

Syncom Media Group, Inc.
KLPD-LD, Facility ID 67539
Denver, CO
FRN 0005-7415-58

SHOWING RE KAVC-LD, FACILITY ID 68077

In the separately attached Technical Exhibit, the showing of compliance with 47 C.F.R. Sections 74.709, 74.793(e), 74.793(f), 74.793(g), 74.793(h), as applicable, states that interference to KAVC-LD, Facility ID 68077, Boulder, CO, is ignored, because while KAVC-LD is licensed on Channel 33 under LMS File No. 0000032758 and holds a granted construction permit to operate on Channel 30 under LMS File No. 0000029929, that station is not operating and has no facilities in place that match the parameters on either its broadcast license or its construction permit.

The history of KAVC-LD is as follows:

Date Filed	Date Granted	LMS File No.	Ch. No.	Purpose of Application	Site ASRN
09/18/2017	04/08/2019	0000029989	30	Displacement	1024061
09/18/2017	10/17/2017	0000029990	30	Legal STA re 0000029989	1024061
10/10/2017	02/02/2018	0000032758	33	Lic. re BDISDTL-20111206BCT	1226838
10/04/2019	04/04/2020	0000084149	Silent	Silent STA as of 10/04/2019	n/a

The legal STA expired on 04/17/2018, and was not renewed. Thus the station presumably operated on Channel 33 from 10/10/2017 until 10/04/2019, when it went silent. No license to cover construction permit has been filed to cover construction permit 0000029989.

Attached to this Exhibit is the Declaration of Paul Deschenes, who has more than 33 years of experience in LPTV design and operation, and who personally traveled to the transmitter sites specified in the KAVC-LD license and construction permit on September 6, 2019, to locate and to inspect the KAVC-LD facilities at either or both of those locations. He found no facilities at either the tower specified in the KAVC-LD license (ASRN 1226838) or at the tower specified in the KAVC-LD construction permit (ASRN 1024061) equipment.

As shown by Mr. Deschenes' photographs, both the licensed and construction permit sites are on registered towers that in fact exist and are appropriately marked with their respective ASRNs. However, he found no low power television broadcast facilities on either tower.

Further inquiry to the two tower site owners resulted in the following e-mails received by J. Christopher Blair, President of Syncom Media Group, Inc.:

Re licensed transmitter site, ASRN 1226838:

Hi Chris,

Sorry for the delay. I wanted to do a bit more digging to make sure I had all my information.

As for our tower site # 302405- 125 & Highway 119 / ASR 1226838 for KAVC : we do not have an active agreement with KAVC and I can not find anything indicating they are installed.

Thanks,

Carrie Fatalo
Business Manager, Broadcast
American Tower Corporation
10 Presidential Way
Woburn, MA 01801
781-926-4627 office
781-910-6018 mobile
carrie.fatalo@americantower.com
2 C W 022

Re construction permit site, ASRN 1024061 (no application for a license to cover has been filed):

From: Victor Michael <vicmichael1@gmail.com>
Subject: Re: KXDP Consent letter
Date: December 10, 2019 at 5:49:46 PM EST
To: Christopher Blair <jcblair123@gmail.com>

Lori says the boys installed the antenna on August 6th, 2019 and took it back down on October 18th, 2019.

Hope this helps.
Good to catch up today,

Vic

Victor Michael is the contact person for Mauna Towers, registrant under ASRN 1024061:
<http://maunatowers.com/contact/>

If the facilities of KAVC-LD do not exist at the licensed location, then either they were not constructed in the first place, as represented in LMS File No. 0000032758, or they were constructed and removed. If they were removed more than one year ago, the KAVC-LD license has expired pursuant to Section 312(g) of the Communications Act.

The Order and Consent Decree in *DTV America Corporation et al.*, 32 FCC Rcd. 9129 (MB 2011) make it clear that a licensee “may not rely on temporarily constructed facilities to satisfy construction requirements...” Moreover, *Lazer Licensees, LLC*, 30 FCC Rcd. 6357 (MB 2015) put applicants “on notice that Section 1.65 of the Rules requires prompt notification if they dismantle or take a station off the air while seeking a license to cover.” Even if the station was built and operated for a period of time, and the facilities arguably were not “temporarily constructed,” KAVC-LD’s licensee was required to notify the Commission after 10 days of silence, under Section 74.763(b) of the Commission’s Rules – a notice not filed until October 10, 2019.

In light of the showing in this exhibit, Syncom Media Group, Inc. respectfully submits that interference to KAVC-LD should be ignored. If it is not ignored, then the Commission should investigate and put the burden on KAVC-LD’s licensee, Digital Networks-Midwest, LLC, to demonstrate that KAVC-LD has permanent broadcasting facilities in place that comply with the parameters of its broadcast license and have not been silent for one year.