



FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

December 17, 2009

1800E3-A

WatchTV, Inc.
c/o Peter Tannenwald, Esquire
Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street
11th Floor
Arlington, VA 22209-3801

Mr. Kenneth E. Lewetag
17980 Brown Road
Dallas, TX 97338

Mr. Michael Mattson
Station K16HT-D
1335 Picture Street
Independence, OR 97351

Re: KORS-CA, Salem, OR
Facility ID No. 71069
BPTTA-20040902AAJ
BSTA-20050310AEV
BSTA-20090518AAC
BDFCDTA-20090630ACS

KSLM-LD, Salem, OR
Facility ID No. 129164
BPDTL-20090107ACQ
BDISDTL-20090609AAB

Gentlemen:

This refers to the following: (1) an application (BPTTA-20040902AAJ) filed by WatchTV, Inc. (WatchTV) for a construction permit for displacement relief to operate KORS-CA, Salem, Oregon, on analog Channel 16, granted on January 7, 2009; (2) an application (BSTA-20050310AEV) for special temporary authority (STA) to operate KORS-CA on digital Channel 16 with 15 kW effective radiated power, granted on May 23, 2005, and subsequently extended; (3) an application (BSTA-20090518AAC) for STA to operate KORS-CA on digital Channel 16 with 5.95 kW ERP, granted on May 21, 2009; (4) an application (BDFCDTA-20090630ACS) for a ("flash cut") modification of construction permit to operate KORS-CA on digital Channel 16 at Portland, Oregon, granted on July 16, 2009; (5) an application (BPDTL-20090107ACQ) filed by Michael Mattson for a construction permit to increase the ERP of KSLM-LD, Salem, Oregon, from 2 kW to 10 kW, granted on February 20, 2009; and (6) an application (BDISDTL-20090609AAB) filed by Mattson for a construction permit for displacement relief to operate KSLM-LD on Channel 27, which remains pending. Also pending are the

following pleadings related to the WatchTV applications: (1) an "Objection & Request to Withdraw STA," filed by Kenneth E. Lewetag, Chair of the Capitol Operational Area; (2) an "Interference Complaint" filed by Mattson; (3) a Petition to Deny filed by Mattson; (4) a Consolidated Opposition filed by Watch TV; (5) a Reply filed by Lewetag; (6) a Reply to Consolidated Opposition to Petition to Deny filed by Mattson; and (7) a Response to Interference Complaint filed by WatchTV.

The parties now advise that they have reached a settlement agreement which resolves the objections of both Lewetag and Mattson to the WatchTV applications, and protects both the pending WatchTV and Mattson applications from further objections by these parties. They request that the settlement agreement be approved by the Commission, that Mattson's remaining application for displacement relief be granted, and that the various objections be dismissed, and that WatchTV's flash-cut modification application be granted in order to serve the public interest of promptly initiating improved digital service in and around Salem, Oregon.

Specifically, the parties request, among other things, that the Commission grant Mattson's displacement application for KSLM-LD; dismiss Mattson's and Lewetag's pleadings directed against the WatchTV applications; and grant the WatchTV flash-cut application.¹ They maintain that approval of the settlement agreement and the grants of the applications, as described above, will not only remove any interference issues among these applicant and other emergency services, but also permit KORS-CA and KSLM-LD to expeditiously construct and operate their proposed facilities.

Finally, the parties have submitted declarations, pursuant to Section 73.3588 of the Commission's Rules, stating that neither they nor their principals have received or have been promised any monetary consideration or have entered into any oral or written agreements for the withdrawal of its applications and the petition.

We will approve the settlement agreement. The parties have submitted the documentation required by Section 73.3588(a) of the Commission's Rules, and review of the matters raised herein, consistent with our obligation to determine whether the public interest, convenience and necessity will be served by their dismissal as requested, does not appear to raise a question warranting further Commission action.² Moreover, our review of the pending applications indicates that the parties are legally and technically qualified to construct and operate their facilities as proposed.

Accordingly, IT IS ORDERED that Mattson's displacement application (BDISDTL-20090609AAB) for KSLM-LD IS GRANTED; that, as requested, the pleadings filed by Mattson and Lewetag against WatchTV's applications ARE

¹ In this regard, the parties' agreement also contemplates that dismissal of Mattson's objections to the WatchTV applications occur after grant of the displacement application for KSLM-LD, and allows that the parties may file certain future applications in a manner designed to protect their rights under the settlement agreement.

² See, e.g., *Booth American Co.*, 58 FCC 2d 553, 554 (1976).

DISMISSED; and that WatchTV's flash-cut modification application (BDFCDTA-20090630ACS) to modify the facilities of KORS-CA IS GRANTED.

Sincerely,

Hossein Hashemzadeh
Associate Chief, Video Division
Media Bureau