

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Application of KM LPTV of Chicago-13, L.L.C.)	File No. BDISDTA-20131114BTv
for a Displacement Application for Class A)	Facility ID No. 35092
Television Station WOCK-CD, Chicago, IL)	
)	
To: Office of the Secretary		
Attn: The Commission		

REQUEST FOR RULING

KM LPTV of Chicago-13, L.L.C. ("KM"), by its attorneys, requests that the Commission immediately rule on its pending September 22, 2015 Application For Review. In support, KM respectfully submits the following:

Background

On August 24, 2015, pursuant to a letter ruling, the Chief, Video Division, Media Bureau, dismissed the above-captioned application that KM filed in September, 2013 seeking a displacement from Channel 4 to Channel 41 in its service area ("Video Division Action"). On September 22, 2015, KM filed an Application for Review of the Video Division Action. The Application for Review articulated reasons that the Video Division action was incorrect and improper.

There are currently several matters pending in the United States Court of Appeals which would impact the Commission's impending Incentive Auction.¹ Mako Communications & Reach TV Properties, Inc., Case Nos. 15-1264; 15-1280; Free Access & Broadcast Telemedia, LLC, et

¹ See In the Matters of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Report and Order, 29 FCC Rcd. 6567 (2014); and In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Second Order on Reconsideration, 30 FCC Rcd. 6746 (2015).

al., Case No. 15-1346; and The Videohouse, Inc., et al., Case No. 16-1060. All of these cases are scheduled to have oral arguments in May, at least two of them on the same day.²

Discussion

Should the Commission not agree with the arguments raised by KM in its Application for Review, KM desires to pursue its appeal rights. As KM has previously advised the Commission, until any such appeal is final KM has rights in its pending application to use Channel 41 that the Commission cannot impair or extinguish in the Incentive Auction.³ KM believes that it would be beneficial to all parties to be able to have any adverse decision in its case heard by the court in May, and that an immediate decision on its Application for Review, which has already been pending for over five months, is necessary to allow that option.⁴

KM does not intend to suggest or concede that it expects the Commission's ruling on its Application for Review to be adverse. KM is merely urging the Commission to render a decision so that it can avoid undue delay and take advantage of the orderly dispatch of the processes of the court.

KM requests that the Commission rule on the Application for Review immediately, and in any event no later than February 29, 2016.⁵

² The Mako and Beach TV appeal and the Free Access appeals are to be argued on the same day and before the same panel. Similar treatment has not yet been sought or determined for the Videohouse petition, but it will be argued in May.

³ See February 16, 2016 Notification Pleading.

⁴ KM reminds the Commission that the staff took twenty-one (21) months to rule on the displacement application. Thus, the agency must bear some responsibility for the necessity for the instant submission.

⁵ KM notes that the Commission ruled on February 12, 2016 on a reconsideration petition that Videohouse had filed September 2, 2015, thus allowing Videohouse to proceed in the court of appeals and obtain a May argument date. KM's request for a ruling on its Application for Review by February 29 is thus consistent with the schedule in this other matter.

Respectfully submitted,



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February 24, 2016

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CERTIFICATE OF SERVICE

I, Michael Nuell, do hereby certify that copies of the foregoing "Request for Ruling" were sent on this 24th day of February, 2016, via electronic mail, to the following:

Commissioner Jessica Rosenworcel (Jessica.Rosenworcel@fcc.gov)

Commissioner Ajit Pai (Ajit.Pai@fcc.gov)

Commissioner Mignon Clyburn (Mignon.Clyburn@fcc.gov)

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Michael Nuell