

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In re Applications of)	MX Group No. 70
)	
WORD BROADCASTING NETWORK, INC.)	LMS No. 53878
KBPX-LD, Houston, Texas)	
Facility ID No. 17746)	
)	
NEW YORK SPECTRUM HOLDING)	
COMPANY, LLC)	LMS No. 53158
KQHO-LD, Houston, Texas)	
Facility ID No. 127916)	

For Construction Permits for Displacement Low-
Power Television Stations on Channel 27 at Houston, Texas

To: The Chief
Mass Media Bureau

JOINT REQUEST FOR APPROVAL OF AGREEMENT

Word Broadcasting Network, Inc. (“Word”), the licensee of Station KBPX-LD, Houston, Texas, and New York Spectrum Holding Company, LLC (“NYSHC”), the licensee of Station KQHO-LD, Houston TX, both applicants for construction permits for displacement low-power television stations on Channel 27 at Houston, Texas, acting pursuant to Section 73.3525 of the Commission’s Rules, respectfully request that the Commission grant this Joint Request for Approval of Agreement (“Joint Request”) and approve the channel sharing-based settlement as proposed herein and as contained in the Mutual Exclusivity Settlement and LPTV Channel Sharing Agreement dated as of January 10, 2019 and attached as Exhibit 1 (the “Agreements”), and grant the above-referenced applications, as amended, through the issuance of modifications of licenses of KBPX-LD and KQHO-LD, to reflect a channel sharing arrangement, in which

KBPX-LD is the sharer and KQHO-LD is the sharee. In support of this request, the following is shown:

1. KBPX and NYSHC are applicants in the special displacement application filing window for low-power, TV translator and analog-to-digital replacement translator stations. *Incentive Auction Task Force and Media Bureau Announce Post Incentive Auction Special Displacement Window April 10, 2018, Through May 15, 2018, and Make Location and Channel Data Available*, 32 FCC Rcd 1234 (IATF and MB 2018). The Commission subsequently determined that the two applications, along with K49LC-D are mutually exclusive with each other. *Incentive Auction Task Force and Media Bureau Announce Settlement Opportunity for Mutually Exclusive Displacement Applications Filed During the Special Displacement Window*, DA 18-1108, released October 30, 2018. As a result, the applications have been placed in MX Group No. 70. This Joint Request and the Agreements propose a mutually acceptable engineering settlement, in the form of a channel sharing arrangement between KBPX and KQHO, and a separate agreement between KBPX and Gray Television Licensee, LLC being filed simultaneously herewith in which K49LC-D agrees to accept incoming interference, which removes it from exclusivity with both KBPX and KQHO and thereby deletes it from MX Group 70. Specifically, pursuant to the Agreements, the applicants are amending their applications to propose the channel sharing arrangement between them for Channel 27. The proposed channel sharing arrangement will result in the removal of the mutual exclusivity of the two Channel 27 applications in MX Group No. 70 and permit the grant of the two applications, as amended. This result is consistent with the policy announced by the Commission for the settlement of mutually exclusive applications during this window. *Supra*.

2. Attached hereto as Exhibit 1 is a copy of the Mutual Exclusivity Settlement and LPTV

Channel Sharing Agreement. Attached hereto as Exhibit 2 are the Declarations executed by each of the parties setting forth the information required by Section 73.3525(a). The applicants are submitting the required application amendments electronically in the LMS filing system. These amendments incorporate the Joint Request and the channel sharing modifications being proposed by each of the applicants.

3. The public interest is well served by the Commission's approval of this Joint Request. By the understanding that they have reached, the parties have provided for a result that will allow for the two applicants to continue to operate their broadcasting services and, thereby, continue to provide their unique program offerings to their viewing publics while maximizing the use of the available and limited broadcast spectrum. This negotiated result allowing two independent broadcasting voices to operate, which would not have occurred as a result of competitive bidding, best serves the public interest.

4. The Agreements and this Joint Request are expressly contingent upon the Commission issuing an order granting this Joint Request, approving the Agreements, and granting the channel sharing modification to the KBPX-LD and KQHO-LD applications, as amended. Accordingly, the parties request that the Commission adopt an order taking such actions and promptly issuing public notices thereof.

5. As recognized by the Commission, in opening up the settlement period for these mutually exclusive applications, the preferable vehicle for the resolution of mutually exclusive minor modifications is the negotiation and settlement process, including engineering settlement amendments, not the route of competitive bidding. The parties have chosen to act accordingly and eliminate the need for competitive bidding. Grant of the instant Joint Request will serve the public interest by conserving Commission resources in connection with competitive bidding and

allow KBPX and NYSHC to continue to provide broadcast television service to the Houston DMA, following completion of the incentive auction and the attendant repacking process.

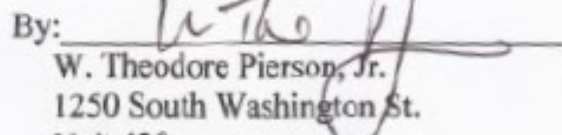
WHEREFORE, the above premises being considered, the above-captioned parties respectfully request that the Commission grant this Joint Request, approve the Agreement, and grant the application, as amended to allow for channel sharing, of Word Broadcasting Network Inc. and New York Spectrum Holding Company LLC.

Respectfully submitted,
**WORD BROADCASTING NETWORK,
INC.**



By: _____
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**NEW YORK SPECTRUM HOLDING
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Dated: January 10, 2019

EXHIBIT 1

See Attached

EXHIBIT 2

DECLARATION OF ROBERT W. RODGERS

I, Robert W. Rodgers, hereby declare as follows:

1. I am President of Word Broadcasting Network, Inc. ("WORD"), an applicant for a displacement channel on Channel 27, Houston, TX, to be associated with low-power television station KBPX-LD (File No. 0000053878, hereinafter the "KBPX-LD Application"). The KBPX-LD Application is mutually exclusive with displacement applications filed by New York Spectrum Holding Company, LLC ("NYSHC") for KQHO-LD (File No. 0000053168).

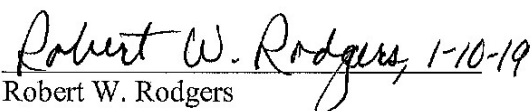
2. NYSHC and WORD entered into a Settlement Agreement on January 10, 2019 (the "Agreement") to resolve the mutually exclusivity between their displacement applications. The Agreement sets forth the entire understanding of the parties with respect to their displacement applications.

3. The Agreement is in the public interest for two reasons. First, it conserves Commission resources by making an auction for this channel unnecessary. Second, it allows both stations to continue to serve their communities of license through the channel sharing arrangement provided for in the Agreement.

4. The KBPX-LD Application was not filed for the purpose of reaching or carrying out the Agreement or any other such agreement with NYSHC or any other person or entity.

5. Neither WORD nor its principals have paid or promised to pay any money or other consideration to NYSHC.

I declare under penalty of perjury that the foregoing facts are true and correct.


Robert W. Rodgers

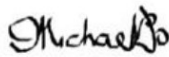
Dated: January 10, 2019

DECLARATION OF MICHAEL DO

Michael Do, hereby declares as follows:

1. I am the Chief Operating Officer of New York Spectrum Holding Company LLC ("NYSHC"), applicant for displacement relief for Low Power Television Station KQHO-LD, FID 127916, Houston, Texas, under LMS File No. 0000053158 ("KQHO-LD Displacement Application").
2. The KQHO-LD Displacement Application was filed because of a *bona fide* need for relief by KMMC-LD, as KMMC-LD currently operates on Channel 20 but is being displaced by KUVN-CD, which will operate on Channel 20 only 26 miles away. The KQHO-LD Displacement Application was not filed for the purpose of reaching or carrying out any settlement agreement.
3. NYSHC has entered into a Settlement Agreement with Word Broadcasting Network, Inc. ("WORD") to resolve the mutual exclusivity between the KQHO-LD Displacement Application and a mutually exclusive application filed by WORD for Channel 27 at Houston, Texas in MX Group 70. The agreement provides that upon Commission approval of the settlement, KQHO-LD will share the facility proposed for KBPX-LD, and NYSHC will request that the KQHO-LD Displacement Application be dismissed.
4. Neither NYSHC nor any of its principals have paid or received, or have promised to pay or to receive, any money or other consideration to or from WORD or Gray Television Licensee, LLC, the third applicant in MX Group No. 70, or any of their principals, in connection with the Settlement Agreement or any plan for KQHO-LD and KBPX-LD to enter into a channel sharing agreement, apart from the benefits that each party will gain from participating in the Settlement Agreement.
5. There are no oral agreements relating to the eventual dismissal of the KQHO-LD Displacement Application or the conduct of NYSHC and WORD under the Settlement Agreement that go beyond or modify the terms of the written agreement.
5. The public service would be served by approval of the Settlement Agreement, because after implementation of their own settlement and a separate settlement between KBPX-LD and K49LC-D, both NYSHC and WORD will be able to continue service to the public in Houston.

I hereby declare that the foregoing is true and correct to the best of my knowledge, information and belief:



Michael Do
Chief Operating Officer
New York Spectrum Holding Company LLC

Executed on: January 10, 2019