

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

In re Applications of	)	
	)	
GRAY TELEVISION LICENSEE, LLC	)	
	)	
For Displacement Channel 30	)	
K44JA-D, Burley, Etc., ID (FID 167733)	)	File No. 0000054122
	)	
and	)	
	)	
CHRISTIAN BROADCASTING OF IDAHO,	)	
INC.	)	
	)	
For Displacement Channel 30	)	
KCJY-LP, Twin Falls, ID (FID 56777)	)	File No. 0000054144
	)	

To: Office of the Secretary  
Attn: Video Division, Media Bureau

**JOINT REQUEST FOR APPROVAL OF SETTLEMENT AGREEMENT**

Gray Television Licensee, LLC ("Gray TV"), licensee of low-power television station K44JA-D, Burley, etc., Idaho, and Christian Broadcasting of Idaho, Inc. ("CBI"), licensee of low-power television station KCJY-LP, Twin Falls, Idaho, by their respective counsel, pursuant to Section 73.3525 of the Commission's Rules, hereby request that the FCC approve the Settlement Agreement attached as Exhibit 1 and (ii) grant the above-captioned applications, as amended.<sup>1</sup> While the parties attempted to resolve the mutual exclusivity between their applications with a minor modification, the only engineering solution that resolved the conflict required that one party amend their application to a new available channel. The parties request

---

<sup>1</sup> The above-captioned applications are assigned to MX Group No. MX78. See Public Notice, "Incentive Auction Task Force and Media Bureau Announce Settlement Opportunity for Mutually Exclusive Displacement Applications Filed During the Special Displacement Window," DA 18-1108 at A-8 (rel. Oct. 30, 2018) ("Settlement PN").

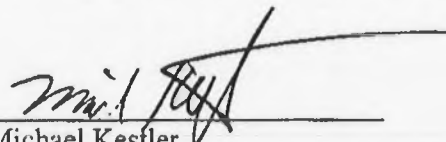
that the Commission accept this solution and grant the applications.<sup>2</sup> In support of this request, CBI and Gray TV are submitting, as Exhibits 2 and 3 respectively, which contain the declarations required by Section 73.3525 of the Commission's Rules.

Respectfully Submitted,

GRAY TELEVISION LICENSEE, LLC

By: \_\_\_\_\_  
Robert Folliard, III  
Assistant Secretary

CHRISTIAN BROADCASTING OF IDAHO, INC.

By:  \_\_\_\_\_  
Michael Kestler  
President

~~November 20, 2018~~

December 11, 2018

---

<sup>2</sup> See Settlement PN at ☐9.

that the Commission accept this solution and grant the applications.<sup>2</sup> In support of this request, CBI and Gray TV are submitting, as Exhibits 2 and 3 respectively, which contain the declarations required by Section 73.3525 of the Commission's Rules.

Respectfully Submitted,

GRAY TELEVISION LICENSEE, LLC



By: \_\_\_\_\_

Robert Folliard, III  
Assistant Secretary

CHRISTIAN BROADCASTING OF IDAHO, INC.

By: \_\_\_\_\_

Michael Kestler  
President

December 11, 2018

---

<sup>2</sup> See Settlement PN at ¶9.

## **EXHIBIT 1**

### **SETTLEMENT AGREEMENT**

This Settlement Agreement is made and entered into this 11th day of December 2018 by and between Gray Television Licensee, LLC ("Gray TV"), licensee of low-power television station K44JA-D (FID 167733), Burley, etc., Idaho, and Christian Broadcasting of Idaho, Inc. ("CBI"), licensee of low-power television station KCJY-LP (FID 56777), Twin Falls, Idaho, with reference to the following:

A. Gray TV filed an application during the Special Displacement Window proposing a displacement channel on Channel 30 for K44JA-D, which the FCC assigned the following file number: 0000054122 (the "K44JA Application"). CBI also filed an application during the Special Displacement Window proposing a displacement channel on Channel 30 for KCJY-LP, which the FCC assigned the following file number: 0000054144 (the "KCJY-LP Application").

B. On October 30, 2018, the FCC announced by Public Notice that the K44JA Application and the KCJY-LP Application (collectively, the "Applications") are mutually exclusive. The FCC assigned the Applications to MX Group No. MX78 and permitted Gray TV and CBI until January 10, 2019 to enter into a settlement agreement or otherwise resolve their mutual exclusivity by means of an engineering solution.

C. CBI has agreed to modify the KCJY Application to request an alternate channel and the parties believe that a settlement upon the terms and conditions set forth in this Agreement will serve the public interest because it will enable grant of both the KCJY Application and K44JA Application without auction and will allow both stations to continue to serve their communities.

NOW THEREFORE, in consideration of the foregoing and the mutual obligations and covenants set forth herein, the parties, intending to be legally bound hereby, agree as follows:

1. Gray TV and CBI shall jointly submit a Joint Request for Approval of Settlement Agreement (the "Joint Request") requesting that the FCC (i) grant the Joint Request; (ii) approve this Agreement; and (iii) grant the amended KCJY Application and the K44JA Application. The Joint Request shall be accompanied by (x) the term sheet set forth on Schedule 1; (y) a certification signed by a principal of Gray TV; and (z) a certification signed by a principal of CBI.

2. The parties shall in good faith pursue approval by the FCC of the Joint Request and this Agreement and shall cooperate fully with each other and with the FCC and take whatever additional action is reasonably necessary or appropriate to obtain FCC approval of, and to effectuate, this Agreement.

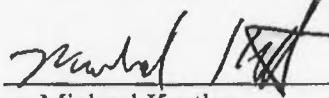
3. For and in consideration of CBI's performance of this Agreement, (i) Gray TV shall pay the amount of \$2,074.50 according to the terms hereof, and as specified in Schedule 2. This amount represents the legitimate and prudent expenses incurred in preparing and filing the engineering amendment to the KCJY Application (the "Amendment Expenses").

IN WITNESS WHEREOF, the parties hereto have executed this Settlement Agreement as of the date first written above.

GRAY TELEVISION LICENSEE, LLC

By: \_\_\_\_\_  
Name: Robert J. Folliard, III  
Title: Assistant Secretary

CHRISTIAN BROADCASTING OF IDAHO, INC.

By:  \_\_\_\_\_  
Name: Michael Kestler  
Title: President

IN WITNESS WHEREOF, the parties hereto have executed this Settlement Agreement as of the date first written above.

GRAY TELEVISION LICENSEE, LLC



By: \_\_\_\_\_

Name: Robert J. Folliard, III

Title: Assistant Secretary

CHRISTIAN BROADCASTING OF IDAHO, INC.

By: \_\_\_\_\_

Name: Michael Kestler

Title: President

**Schedule 1**

SUMMARY OF ENGINEERING CHANGES (See attached)

**Channel and  
Facility  
Information**

Section	Question	Response
Proposed Community of License	Facility ID	56777
	State	Idaho
	City	TWIN FALLS
	LPT Channel	19

**Antenna Location  
Data**

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	Yes
	ASR Number	1041029
Coordinates (NAD83)	Latitude	42° 43' 44.0" N+
	Longitude	114° 24' 59.0" W-
	Structure Type	TOWER-A free standing or guyed struct
	Overall Structure Height	46.6 meters
Antenna Data	Support Structure Height	46.6 meters
	Ground Elevation (AMSL)	1302.0 meters
	Height of Radiation Center Above Ground Level	43 meters
	Height of Radiation Center Above Mean Sea Level	1345.0 meters
	Effective Radiated Power	15.0 kW

# **Antenna Technical Data**

Section	Question	Response
Antenna Type	Antenna Type	Directional Custom
	Do you have an Antenna ID?	Yes
	Antenna ID	107244
Antenna Manufacturer and Model	Manufacturer	KAT
	Model	K723147
	Rotation	0 degrees
	Electrical Beam Tilt	Not Applicable
	Mechanical Beam Tilt	Not Applicable
	toward azimuth	
Elevation Radiation Pattern	Polarization	Horizontal
	Does the proposed antenna propose elevation radiation patterns that vary with azimuth for reasons other than the use of mechanical beam tilt?	No
	Uploaded file for elevation antenna (or radiation) pattern data	
	Out-of-Channel Emission Mask:	Full Service

## **Directional Antenna Relative Field Values (Pre-rotated Pattern)**

Degree	V <sub>A</sub> (Authorized Value)	Degree	V <sub>A</sub> (Authorized Value)	Degree	V <sub>A</sub> (Authorized Value)	Degree	V <sub>A</sub> (Authorized Value)
0	0.202	90	0.649	180	0.886	270	0.613
10	0.182	100	0.773	190	0.827	280	0.577
20	0.205	110	0.861	200	0.866	290	0.754
30	0.133	120	0.941	210	1	300	0.94
40	0.205	130	0.756	220	0.867	310	0.881
50	0.182	140	0.576	230	0.829	320	0.774
60	0.202	150	0.608	240	0.885	330	0.678
70	0.349	160	0.822	250	0.934	340	0.543
80	0.543	170	0.933	260	0.825	350	0.348

## **Additional Azimuths**

Degree	V <sub>A</sub>
45	0.196
315	0.813
225	0.832
135	0.644

**Schedule 2**

Actual Expenses Incurred in preparing and filing the engineering amendment to the KCJY Application:

<b>Legal Fees and Expenses</b>	<b>\$724.50</b>
<b>Engineering Fees and Expenses</b>	<b>\$1,350</b>
<b>Total</b>	<b>\$2,074.50</b>

**EXHIBIT 2**

**DECLARATION OF MICHEL KESTLER**

I, Michel Kestler, hereby declare as follows:

1. I am President of Christian Broadcasting of Idaho, Inc. ("CBI"), an applicant for a displacement channel on Channel 30, Twin Falls, Idaho, to be associated with low-power television station KCJY-LP (File No. 0000054144, hereinafter the "KCJY Application"). The KCJY Application is mutually exclusive with an application filed by Gray Television Licensee, LLC ("Gray TV") for a displacement on Channel 30, Burley, etc., Idaho, to be associated with low-power television station K44JA-D (File No. 0000054122, hereinafter the "K44JA Application").

2. Pursuant to an agreement entered into by CBI and Gray TV on November 19, 2018 (the "Agreement"), CBI has agreed to file an engineering amendment to the KCJY Application. The Agreement sets forth the entire understanding of the parties with respect to the KCJY Application.

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

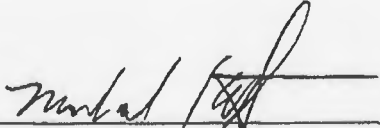
4. The KCJY Application was not filed for the purpose of reaching or carrying out the Agreement or any other such agreement with Gray TV or any other person or entity.

5. Neither CBI nor its principals have received or have been promised to receive any money or other consideration, except as expressly set forth in the Agreement.

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

Dated: ~~November 19, 2018~~

*December 11, 2018*

  
\_\_\_\_\_  
Michael Kestler

**EXHIBIT 3**

**DECLARATION OF ROBERT J. FOLLIARD, III**

I, Robert J. Folliard, hereby declare as follows:

1. I am Assistant Secretary of Gray Television Licensee, LLC ("Gray TV"), an applicant for a displacement channel on Channel 30, Burley, etc., Idaho, to be associated with low-power television station K44JA-D (File No. 0000054122, hereinafter the "K44JA Application"). The K44JA Application is mutually exclusive with an application filed by Christian Broadcasting of Idaho, Inc. ("CBI") for a displacement channel on Channel 30, Twin Falls, Idaho, to be associated with low-power television station KCJT-LP (File No. 0000054144, hereinafter the "K CJT Application").

2. Pursuant to an agreement entered into by CBI and Gray TV on November 19, 2018 (the "Agreement"), CBI has agreed to file an engineering amendment to the KCJY Application. The Agreement sets forth the entire understanding of the parties with respect to the KCJY Application.

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

4. The K44JA Application was not filed for the purpose of reaching or carrying out the Agreement or any other such agreement with CBI or any other person or entity.

5. Neither Gray TV nor its principals have paid or promised to pay any money or other consideration to CBI, except as expressly set forth in the Agreement.

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



---

Robert J. Folliard, III

Dated: December 11, 2018