

Statement as to Nature of Amendment and
Portions of the Application Being Amended

United Communications Corporation ("UCC") is amending the instant application (FCC File No. BLTTA-20010129AAU, the "Application") seeking Class A status for Station WNYF-LD, Massena, New York (the "Station") in order comply with Section 1.65 of the Commission's Rules and in order to respond to a request from a member of the Commission's staff to update the information contained in the Application.

More than a decade has passed since January 29, 2001, when the Application was submitted to the Commission by the original licensee, Smith Television of New York, Inc. ("Smith Television"). At that time, the station in question was known by call sign W28BC. Within a few days of that submission, Smith assigned the license for the Station to a subsidiary, Watertown Television Corporation ("WTC"). UCC was a minority stockholder in WTC from that time until December 11, 2001, when it acquired positive control of WTC from Smith Television. UCC became the owner of W28BC (now identified as Station WNYF-LD) in its own right on December 31, 2001, pursuant to prior Commission approval of the merger of WTC into UCC (see File No. BALTTL-20011212ABD). Robert Smith, the principal of Smith Television, passed away some four years later.

More recently, the Station converted to digital operation, and transferred its operations from Channel 28 to Channel 18 in order to avoid interference to a new digital allotment on Channel 28. See BLDTL-20101118ALZ.

It should be noted that WNYF-LP is the only commercial television facility (low power or full power) serving Saint Lawrence County, New York. St. Lawrence County is the largest county in New York geographically. It is home to approximately 120,000 people living in communities like Massena, Potsdam, Ogdensburg and Canton, as well as the surrounding rural area. Even though the County is remote from major population centers, the needs of the citizens of St. Lawrence County are no less real than those of residents of Albany or New York City. WNYF-LP thus provides an important local service.

The principal purpose of this amendment is to renew the certification of the qualifications of UCC and the Station for Class A status as set forth in the Application. Adding to the certification provided by Smith Television in the original Application, UCC certifies (as stated in Section II, Question 3 of the Application form) that WNYF-LD has broadcast: (a) a minimum of 18 hours per day; and (b) an average of at least 3 hours per week of programming each quarter produced within the market area served by WNYF-LD. Additionally (per Section II, Question 10), UCC certifies that WNYF-LD has complied

with the station operating requirements set forth in subparts H and J of Part 73 of the Commission's rules that are applicable to Class A stations.

The one exception may be the matter of the Station's compliance with the station identification rule (Section 73.1201), as it appears that in the early days of the Station's operations under Smith Television, some operational mistakes may have occurred in this regard. Of course, in renewing these certifications, UCC is relying on the representations made to the Commission and to UCC by Smith and WTC as the prior licensees of the Station to the extent that they relate to the period preceding UCC's ownership or control. Nevertheless, there is no reason to suppose that a minor violation of Section 73.1201 should stand as a bar to a grant of an application for Class A status when all of the material rules and requirements have been satisfied.

As noted above, the technical information provided in Section III of the application has changed since the original filing date of the Application. The technical parameters of the facilities of WNYF-LD are represented in its current license. See the most recent construction permit and license applications (File Nos. BDISDTL-20090630AIC and BLDTL-20101118ALZ). These applications are incorporated herein by this reference, and the engineering information used to the extent of any conflict (such as the reference to analog information) in BLTTA-20010129AAU as originally filed.

In that regard, please note that in the amendment in Commission's online filing system (CDBS), the licensee was forced to respond to Section I, Question 4 by indicating that WNYF-LD is an analog service. This is incorrect; the station is actually operating as a digital service. The applicant would have reflected the correct information in the online application form if that had been possible, but unfortunately CDBS would not accept initiation of an amendment to the WNYF-LD application with "digital service" selected as the service type.

UCC would also like to clarify the status of the Informal Objection (the "Objection") submitted against the Application on February 12, 2001 by Anthony DiMarco (a/k/a Anthony DiMarcantonio) as President of a fictitious entity he called "All World Communications."

The Objection is one of the most absurd pleadings ever submitted to the Commission. Even so, it was characteristic of Mr. DiMarco. He was, sadly, an erratic, unbalanced individual. His idea of "local programming" was to sit in front of a television camera reading from the *Watertown Daily Times* on the air. He owned two LPTV stations in the Watertown, New York area that were never successful. Regrettably, he suffered a fatal heart attack in February, 2005. His stations then went dark and have never returned to

the air. See <http://en.wikipedia.org/wiki/WLOT-LP>. The licenses are defunct. Thus, there is no longer any human being or licensee to stand behind the Objection.

When Mr. DiMarco objected to the Class A Application of the Massena Station, he also filed a similar objection against the application (File No. BLTTA-20010129AAT) for a Class A license for WTC's sister station WNYF-LP (FCC Facility Identification No. 16743), Watertown, approximately 90 miles southwest of Massena. Mr. DiMarco, as a resident of Watertown, arguably had standing to protest the Class A application of the Watertown station. However, given that he was not a resident of Massena or of any part of the Station's coverage area, he had no such standing to object to the Class A Application of the Massena station. (This was evidently the reason why WTI did not bother to submit an opposition to the Massena Objection.)

At the time of the Objection, Mr. DiMarco was on the air every day at his own station in Watertown and otherwise tied down at that facility. To UCC's knowledge, he had no way of viewing the signals of the Station in Massena. Therefore, he had no valid basis for the allegations made in his Objection about its programming other than the rankest hearsay.

Over ten years ago, the Video Division denied Mr. DiMarco's objection against the Class A application for the station on Channel 25 that then was known as WNYF-LP (now WNYF-CA), in Watertown. See *Letter* dated September 19, 2002, from Hossein Hashemzadeh, Associate Chief, Video Division, Media Bureau to Mr. DiMarco and counsel for WNYF-CA. Specifically, the Division found that Mr. DiMarco's objection to the Watertown Class A application was not "supported by evidence or the affidavit of a person with personal knowledge of the facts alleged" as required in order for the Commission to take an objection of this nature seriously.

As with the Watertown case, the Objection filed by Mr. DiMarco against the Massena Station is not worthy of consideration by the Commission. As demonstrated in UCC's Opposition, filed January 17, 2003, Mr. DiMarco's Objection is not only unsworn, but unverified. For the Commission to give credence to objections that fail so miserably to comply with basic procedural requirements would be to savage the integrity of those requirements, and encourage careless objectors to ignore them.

Beyond that, the allegations contained therein are flat-out wrong. For example, while DiMarco alleged that the Massena Station was being used as a translator for a television station in Vermont, there was no truth to that assertion whatsoever. It was evidently just an assumption on the part of Mr. DiMarco based on the fact that the owner of Smith Television also had television ownership interests in Vermont. Note that the Objection does not state that Mr. DiMarco had ever viewed the Station's broadcasts, or provided

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any other basis for his allegations. Likewise, his erroneous allegation about the lack of local programming on the Massena Station was based evidently on his own twisted assumptions, rather than any actual viewing of the Station. The only subject where DiMarco came close to accuracy (much as a blind squirrel will manage to find an acorn now and again) was Mr. DiMarco's allusion to compliance with the station identification requirements. As noted above, Smith Television has conceded that it made some mistakes in respect of the station identification requirement in Massena in the initial period of operations, but those errors were corrected long ago.

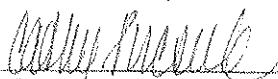
With this in mind, it is not surprising that Mr. DiMarco failed to back up his claims by submitting a reply to the UCC Opposition, much less by filing a supporting affidavit or otherwise correcting any of the infirmities in his Objection.

UCC and its predecessors have spent substantially more than a decade of time and hundreds of thousands of dollars complying with the Class A requirements applicable to the Station, including maintenance of studio facilities in the Massena/Potsdam area. It is time that the licensee's service to the community be recognized by the grant of this Application for a Class A license.

In sum, the Commission should dismiss Mr. DiMarco's defective and misleading Objection, and grant the Application.

Respectfully submitted,

UNITED COMMUNICATIONS CORPORATION

By 
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