Federal Communications Commission
Washington, D.C. 20554

July 24, 2015

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RE: Petition for Eligible Entity Status, KMYA, LLC, Station KKYK-CD, Little Rock, AR (Fac. ID No.57548), FCC File No. BLDTA-20121012ACZ.

Dear Counsel:

This is with respect to the Petition for Eligible Entity Status ("Petition") filed on July 9, 2015, by KMYA, LLC ("Licensee"), licensee of Station KKYK-CD, Little Rock, Arkansas ("Station").[1] The Petition requests that the Station be deemed an "eligible facility" for purposes of the incentive auction.

On June 19, 2015, the Commission released the *Incentive Auction Second R&O* and denied Petitions for Reconsideration filed by Abacus Television and Videohouse, Inc.,[2] which requested that the Commission exercise its discretion to extend protection in the repacking process to Class A stations similarly situated as KKYK-CD.[3] The Commission has already determined that stations similar to KKYK-CD are not eligible for mandatory protection and the Commission has specifically declined to exercise its discretionary authority to extend protection. As of February 22, 2012, the Station was not a Class A licensee and thus it is not entitled to mandatory protection.[4] It did not become a Class A licensee until October 23, 2012.[5] The Station is also not eligible for discretionary protection because it did not have pending or granted Class A construction permit as of February 22, 2012.[6] The Petition contends that the Licensee was granted a Class A construction permit on February 16, 2012.[7] This is factually incorrect. The Station did not have a Class A construction permit until it filed an application to covert its LPTV construction permit to a Class A construction permit on July 8, 2012; nearly five months after the deadline to be extended discretionary protection.[8] This is not the appropriate venue for seeking reconsideration of the Commission's decision.[9]

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[1] KMYA, LLC, Petition for Eligible Entity Status (Jul. 9, 2015)("Petition").

[2] *See* Abacus Television Petition for Reconsideration, GN Docket No. 12-268 (Sept. 16, 2014); The Videohouse, Inc. Petition for Reconsideration, GN Docket No. 12-268 (Sept. 15, 2014).

[3] *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Second Report and Order on Reconsideration, FCC 15-69, paras. 53-63 (rel. Jun. 19, 2015)("*Incentive Auction Second R&O*").

[4] *Incentive Auction Second R&O* at paras. 61, *aff'g, Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6670-71, para. 233 (2014)("*Incentive Auction R&O*").

[5] *See* File No. BLDTA-20121012ACZ.

[6] *Incentive Auction Second R&O* at para. 62, *aff'g, Incentive Auction R&O*, 29 FCC Rcd at 6671, para. 234 (2014).

[7] Petition at 4.

[8] *See* File No. BLDTA-20120712ABV.

[9] *See* 47 C.F.R. § 1.429(b),(i); 47 U.S.C. § 402(a).

Accordingly, for the reasons above, including the Commission's rationale in *Incentive Auction Second R&O*, the Petition for Eligible Entity Status filed by WMTM, LLC **IS DENIED**.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau