

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

In re Applications of	)	
	)	
Pappas Telecasting Companies	)	File No. BNPTTL-20000831APO
	)	
John R. Powley	)	File No. BNPTTL-20000831AQD
	)	File No. BNPTTL-20000831AQN

To: Low Power Television Branch,  
Media Bureau

**JOINT REQUEST FOR APPROVAL OF SETTLEMENT**

Pappas Telecasting Companies ("PTC") and John R. Powley ("Powley"), by their respective undersigned counsel and representative, and pursuant to Section 73.3525 of the Commission's Rules, 47 C.F.R. § 73.3525, and the Commission's Public Notice,<sup>1</sup> respectfully request that the Commission: (i) grant this Joint Request for Approval of Settlement (the "Joint Request"); (ii) approve the settlement as proposed herein and in the Application Dismissal Agreement attached hereto as Exhibit A; and (iii) as set forth herein, and described in greater detail below, dismiss the specified application filed by PTC for a low power television station and grant the specified applications filed by Powley for two new low-power television stations.

In support of this Joint Request, PTC and Powley submit the following:

1. In Auction Number 81, among other applications, PTC filed an application with the Commission for a construction permit for a new low power television station to operate on Channel 63 in South Sioux City, Nebraska (File No. BNPTTL-20000831APO).

2. In Auction Number 81, Powley filed applications with the Commission for construction permits for two new low power television stations to operate on Channel 62 in Sioux City, Iowa (File No. BNPTTL-20000831AQD) (the "Powley 62 Application") and on

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<sup>1</sup> See Public Notice, *LPTV and TV Translator Applications – Mutually Exclusive Proposals*, DA 06-2034 (released February 22, 2007).

Channel 64 in Sioux City, Iowa (File No. BNPTTL-20000831AQN, the “Powley 64 Application,” and, together with the Powley 62 Application, collectively, the “Powley Applications”).

3. Attached hereto as Exhibit A is a true and correct copy of the Application Dismissal Agreement dated as of April 23, 2007 by and between Powley and PTC (the “Settlement Agreement”). Pursuant to the Settlement Agreement, PTC has agreed to dismiss the PTC Application in exchange for PTC agreeing, upon grant of either the Powley 62 Application or the Powley 64 Application, to assign (following FCC consent) either the permit resulting from the grant of the Powley 62 Application or the permit resulting from the grant of the Powley 64 Application to PTC, in return for payment of consideration to Powley in the amount of ten thousand dollars (\$10,000.00). PTC and Powley are the only mutually exclusive parties in conflict with one another in the Commission’s February 22, 2007 Public Notice in Mutually-Exclusive Group MX 191, and the Settlement Agreement, if approved by the Commission, would resolve the mutual exclusivity of the three applications in MX191.

4. The Settlement Agreement and this Joint Request are conditioned upon the Commission issuing an order (or orders) granting this Joint Request, approving the Settlement Agreement, dismissing the PTC Application, granting the Powley Applications, and approving the sale to PTC of one of the construction permits from the Commission grants of the Powley Applications, and such order (or orders) becoming final, *i.e.*, no longer subject to administrative or judicial review, reconsideration, or appeal. Accordingly, PTC and Powley request that the Commission take all of such actions.

5. The parties submit that grant of this Joint Request would serve the public interest by speeding the initiation of low-power television broadcast service for Sioux City, Iowa. Therefore, prompt action on this Joint Request is requested.

WHEREFORE, the above premises being considered, Powley and PTC respectfully request that the Commission grant this Joint Request, approve the Settlement Agreement and the settlement proposed therein, including the dismissal with prejudice of the PTC Application and the grants of the Powley Applications.

Respectfully submitted,

Pappas Telecasting Companies

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