

BECHTEL & COLE

CHARTERED

ATTORNEYS AT LAW

SUITE 280

1901 L STREET, N.W.

WASHINGTON, D.C. 20005

TELEPHONE (202) 833-4190

BECHTEL & COLE

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

GENE A. BECHTEL

TELECOPIER
(202) 833-3084

INTERNET/E-MAIL
COLESLAW@EROLS.COM

June 9, 2000

Via Hand Delivery

The Hon. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Ms. Salas:

On behalf of Carolina Christian Broadcasting, Inc., enclosed are Corrected Statements of Eligibility for Class A Low Power Television Status for W23BQ, Asheville, North Carolina, W25BU, Asheville, North Carolina, and W31AZ, Hendersonville, North Carolina. For reasons stated in the Petition for Reconsideration (or Clarification), copy attached to each form, it is requested that the Corrected Statements of Eligibility be accepted nunc pro tunc as of January 20, 2000.

If there should be any questions concerning this matter, please contact me.

Sincerely,

Gene A. Bechtel

Corrected
STATEMENT OF ELIGIBILITY
FOR

Approved by OMB
3400-0008

CLASS A LOW POWER TELEVISION STATION STATUS

1. Legal Name of LPTV Licensee Carolina Christian Broadcasting, Inc.		
Mailing Address P.O. Box 1616		
City Greenville	State or Country (if foreign address) South Carolina	ZIP Code 29602
Telephone Number (include area code) 864-244-1616		E-Mail Address (if available)

LPTV Station:	Facility ID Number 9058	Call Sign W31AZ
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Community of License:	City Hendersonville	State NC
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2. Contact Representative (if other than Licensee): DNA	Company or Firm Name:
Telephone Number (include area code):	E-Mail Address (if available):

3. For the 90-day period ending November 28, 1999, has the low power television licensee:

- a. broadcast a minimum of 18 hours per day? ☒ Yes ☐ No
- b. broadcast an average of 3 hours or more per week of programming produced within the market area served by the station or by commonly-controlled stations? ☒ Yes ☐ No
- c. operated its station in full compliance with 47 Code of Federal Regulations Section 74.701 et seq., the Commission's regulations applicable to low power television stations? ☒ Yes ☐ No

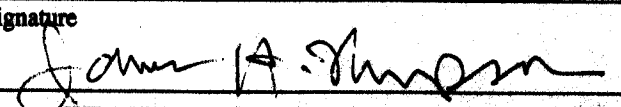
If the answers to Questions 3(a), (b), and (c) is YES, the LPTV licensee may submit this statement to obtain a certificate of eligibility for Class A LPTV station status.

If the answer to Question 3(a), (b), or (c) is NO, the LPTV licensee may submit an Exhibit, setting forth fully the extent to which its station does not meet the above eligibility criteria and the reasons nevertheless that warrant a Commission determination that issuance of a certificate of eligibility would serve the public interest, convenience and necessity.

Exhibit No.

4. Does the LPTV licensee certify that neither the licensee nor any party to the licensee, as defined in 47 Code of Federal Regulations Section 1.2002(b), is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862? ☒ Yes ☐ No

5. Certification. I certify that I have examined this Statement and that, to the best of my knowledge and belief, all representations in this Statement are true, correct and complete.

Typed or Printed Name of Person Signing James H. Thompson	Typed or Printed Title of Person Signing President
Signature 	Date June 5, 2000

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Establishment of a Class A
Television Service

)
) MM Docket No. 00-10
)
)

PETITION FOR RECONSIDERATION (OR CLARIFICATION)

1. Carolina Christian Broadcasting, Inc. ("CCB") seeks reconsideration or clarification of the Report and Order released April 4, 2000 and the regulations adopted by that action to address the concerns that follow.

2. The Community Broadcasters Protection Act of 1999 contains the following language:

...a station is a qualifying low-power television station if...during the 90 days preceding the date of enactment of the [Act]...such station broadcasts an average of at least 3 hours per week of programming that was produced within the market area served by such station, or the market area served by a group of commonly controlled low-power stations that carry common local programming produced within the market area served by such group.

47 U.S.C. §336(f)(2)(A)(ii).

3. In filing Statements of Eligibility for three low power television stations located in Asheville and Hendersonville, North Carolina, located within the Greenville-Spartanburg-Asheville television market, CCB construed this language as limited to programming produced within the individual market areas of the low power television stations. Accordingly, although CCB produced programming of interest to those areas at its full power station WGGT in Greenville, carried on the commonly-controlled Asheville and Hendersonville low power stations, and although it filed statements seeking Class A

eligibility for those three low power stations, CCB answered Question 3b on the Statement of Eligibility form "no." In light of the language of the statute, this was its understanding of the language employed by the Commission in Question 3b, i.e., "...programming produced within the market area served by the station or by commonly-controlled stations."

4. We do not say that this was the only possible interpretation of the statute and form. However, it most certainly was a reasonable one and appears to have been subsequently buttressed by the Report and Order and regulations adopted in the subject proceeding in which the service area of eligible Class A low power television stations has been defined as the predicted Grade B service areas of those stations, rather than the overall television market in which they are located.

5. Nonetheless, an alternative interpretation of the statutory and agency language may be arrived at, i.e., to deem references to commonly-controlled stations to include a commonly-controlled full power television station providing programming of interest to the service areas of commonly-controlled low power stations. From the list of low power stations which certified unconditional compliance with the statutory requirements appearing on the Commission's Public Notice, released June 2, 2000, DA 00-1224, it appears that some low power stations may have certified full eligibility in reliance on such an alternative interpretation of the statute and form. For example, the licensee of WLOS in the Greenville-Spartanburg-Asheville

market has certified unconditional eligibility for 17 commonly-controlled low power stations in various parts of the largely mountainous service area of its full power station.

6. CCB does not quarrel with that alternative interpretation of the statute and form so long as it is applied to CCB's three low power television stations in the same mountainous areas and television market. On the basis of the alternative interpretation, CCB is this date filing with the Commission corrected Statements of Eligibility, answering Question 3b "yes," with the request that they be accepted ~~and~~ and as of January 30, 2000.

7. It is fair to say that the meaning of the subject language was not crystal clear at the time the parties were required to file Statements of Eligibility and remains unclear following adoption of the Report and Order and regulations. CCB requests clarification and equitable treatment in light of that clarification.

Respectfully submitted,



Gene A. Bechtel

Bechtel & Cole, Chartered
Suite 250, 1901 L Street, N.W.
Washington, D.C. 20036
Telephone 202-833-4190
Telecopier 202-833-3084

Counsel for Carolina Christian
Broadcasting, Inc.

June 9, 2000

CERTIFICATE OF SERVICE

I certify that I have caused a copy of the foregoing
COMMENTS OF CAROLINA CHRISTIAN BROADCASTING, INC., this 26th day
of February 2001, to be placed in the United States mails, first
class, postage prepaid, addressed to Shaw Pittman, 2300 N Street,
N.W., Washington, D.C. 20037, Attention Tammy Gershoni, Esq.,
counsel for WLOS Licensee LLC.



Gene A. Bechtel

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Dismissal of LPTV Licensee)
Certificates of Eligibility) DA 00-1227
for Class A Television)
Station Status)
)
Public Notice released June 9, 2000)

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OFFICE OF THE SECRETARY

To: Magalie Roman Salas, Secretary
for direction to
The Hon. Roy J. Stewart, Chief
Mass Media Bureau

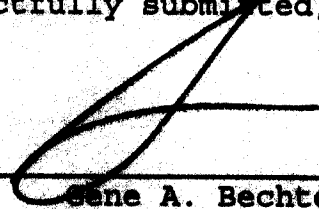
PETITION FOR RECONSIDERATION

1. Carolina Christian Broadcasting, Inc. ("CCB") seeks reconsideration of the Public Notice referenced in the caption above, which lists W31AZ, Hendersonville, North Carolina, W45BK, Shallotte, North Carolina, W66DE, Florence, South Carolina and WJJV-LP, Asheville, North Carolina. Similar concerns relate to a companion Public Notice released June 7, 2000, which in a subsequent "correction" listed W23BQ, Asheville, North Carolina, as well (DA 00-1228).

2. The Statements of Eligibility for Class A Low Power Television Status filed for these stations reflect public interest attributes of local program service including such service during the 90-day period referred to in the Community Broadcasters Protection Act of 1999 and/or commitments to inaugurate local program service that require or merit the Commission's consideration. We ask the Commission to reconsider

the Public Notices in DA-00-1227/8 and defer such action until applications are filed within the specified time period — containing definitive certifications in support of such eligibility. This will permit the Commission to give measured consideration based on specific, binding certifications rather than the categorical exclusion of public interest showings that is reflected in the subject Public Notices.

Respectfully submitted,



Gene A. Bechtel

Bechtel & Cole, Chartered
Suite 250, 1901 L Street, N.W.
Washington, D.C. 20036
Telephone 202-833-4190
Telecopier 202-833-3084

Counsel for Carolina Christian
Broadcasting, Inc.

July 10, 2000