

ATTACHMENT TO EXHIBIT 23

Munbilla Broadcasting Properties, Ltd. (*MBPL*), the applicant, was the winning bidder in Auction No. 62 for, and is the permittee of:

- Channel 259A at Mason, Texas; and
- Channel 260C3 at Hunt, Texas.

See File Nos. BNPH-20060309AAT, FCC Facility ID No. 165378, and BNPH-20060309AAU, FCC Facility ID No. 165377, respectively.

MBPL desires that the FCC modify the technical parameters of those Construction Permits. Accordingly, MBPL is simultaneously submitting two applications for Construction Permit:

- the application at hand, which seeks to shift the unbuilt Mason facility from Channel 259A to Channel 249A, and to change the authorized transmitter site; and
- a second application for modification of the Hunt Construction Permit, to change the authorized transmitter site.

Applicable spacing constraints require that the Mason facility migrate to a nonadjacent channel if the Mason facility is to accommodate the site change at Hunt. Section 73.203(b), as amended by the Report and Order in MB Docket No. 05-210, 71 Fed. Reg. 76208 (December 20, 2006), specifically allows applicants to propose such migrations by means of minor-change Construction Permit or Modification-of-Construction-Permit applications.

MBPL's simultaneously filed Hunt application is thus a contingent one: contingent upon the grant of the application at hand. 47 C.F.R. 73.3517(e); 1998 Biennial Regulatory Review -- Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, 14 FCC Rcd 5272 (1999) (*Broadcast Technical Streamlining*) at para. 11.¹

¹"An application is 'contingent' when it cannot be granted unless and until a second application, also pending before the Commission, is granted."

FCC Form 301
Modification of Construction Permit BNPH-20060309AAT
Channel 259A, Mason, Texas
FCC Facility ID No. 165378
Munbilla Broadcasting Properties, Ltd.
July 2007
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The proposed Mason facility will provide full city-grade coverage to the community of Mason. The proposed Mason facility will also provide all necessary protection to all existing assignments, all pending applications, and all allotments. The proposed Mason facility also complies with all of the Commission's other technical requirements.

Similarly, the facility proposed in the Hunt application will provide full city-grade coverage to the community of Hunt. The proposed Hunt facility will also provide all necessary protection to all existing assignments, all pending applications, and all allotments — other than the reference point for Channel 259A at Mason. As required, the Hunt application specifies a fully-spaced reference point for the upgraded Channel 260C3 allotment to Hunt. Finally, the proposed Hunt facility complies with all other applicable technical requirements.

In Broadcast Technical Streamlining, *supra*, the Commission amended the contingent-application rule, § 73.3517, by adding a new subsection (e) to allow parties to submit contingent FM Construction-Permit applications under certain conditions:

- Revised § 73.3517(e) requires that each application state that it is filed as part of a related group of applications to make changes in facilities. MBPL hereby so states. The related group of applications comprises the application at hand and the simultaneously filed Hunt Modification-of-Construction-Permit application.
- Revised § 73.3517(e) limits the related-application group to no more than four applications. Here, the related-application group comprises two applications: the application at hand; and the simultaneously filed Hunt Modification-of-Construction-Permit application.
- Revised § 73.3517(e) also requires that each application that is part of the related group cross-reference each of the other related applications. MBPL hereby expressly cross-references the simultaneously filed Hunt Modification-of-Construction-Permit application.
- Revised § 73.3517(e) also requires that each application include a copy of the agreement to undertake the coordinated facility modifications. Here, there is no

agreement, and no consideration passing from one applicant to another, simply because MBPL is the applicant filing both of the two applications that comprise the related group. It is logically impossible and practicably unnecessary for MBPL to agree with itself and to compensate itself. The fact that MBPL has filed both applications clearly evinces MBPL's ardent desire to obtain modified Construction Permits containing parameters exactly corresponding to those specified in the two applications that form the related group.

- Revised § 73.3517(e) also requires that all applications in a related must be filed on the same date. MBPL is satisfying that requirement. MBPL requests that the two applications be processed together and granted simultaneously.

In Broadcast Technical Streamlining, supra, the Commission realized that, in relaxing § 73.3517(e) to allow such group filings, it was breaking new ground. The Commission was understandably concerned that too sweeping a rule change might cause significant problems. Accordingly, the Commission deemed it prudent to proceed gradually, and to limit the scope of the new procedure in various ways. Among the limitations that the Commission adopted were:

- that only licensees or permittees could participate in interrelated-application-group filings; and
- that the group filings include only minor-change applications, and not any major change applications.

Id. at para. 14. Both the application at hand and the simultaneously filed Hunt Modification-of-Construction-Permit application are filed by MBPL, the permittee, and are applications for minor changes to the outstanding Mason and Hunt authorizations.

The grant of the present pair of applications will result, in addition to the accelerated introduction of new broadcast services to the public, the more efficient use of the spectrum, in furtherance of the goals of Section 307(b) of the Communications Act, as amended, 47 U.S.C. § 307(b). In allotment and licensing decisions, Section 307(b) considerations are of paramount importance. Endicott, New York, 51 FCC 2d 50, 51 (1975).