

Question 3: Changed Circumstances–Update to Proceedings Involving Character Issues

A. Involving Meridian Communications of Idaho, Inc.

On August 18, 1999, Meridian Communications of Idaho, Inc. (“Meridian”), which is one-third owned by application party Suzanne E. Rogers, Co-Trustee of The Plant and Rogers Family Trust (Brian J. Plant is the other Co-Trustee), filed a settlement agreement with the Commission, which had been entered into with mutually exclusive applicant Flat Iron Ranches, Inc. (“Flat Iron”), asking the Commission to grant Meridian’s application for a construction permit on Channel 20 in Idaho Falls, Idaho (*See* BPCT-19959396KF). On December 17, 1999, and in response to the filing of the settlement agreement, The Post Company (“Post”), licensee of station KIFI-TV, Idaho Falls, Idaho, filed a Supplement to its earlier May 15, 1995 Petition to Deny (“Supplement”) Meridian’s March 6, 1995 application (“Application”), which was the application involved in the August 18, 1999 settlement with Flat Iron. The Supplement raised certain allegations, including claims that (a) Meridian had violated the FCC’s multiple ownership rules because of familial ties with Sunbelt Communications Company (“Sunbelt”), the parent company of Beartooth Communications Company (“Beartooth”) (both Sunbelt and Beartooth have attributable interest-holders James E. Rogers, Beverly Rogers, Ralph Toddre, Gene Greenberg, Bill Fouch, JoAnn Hanneman and Shelley Goings); (b) Meridian had made misrepresentations and lacked candor; and (c) that Meridian was not qualified to be a licensee. These allegations were in addition to the allegations of financial issues and real-party-in-interest issues originally raised in Post’s May 15, 1995 Petition to Deny.

Also on December 17, 1999, Post filed a petition to deny or revoke the licenses held by Sunbelt through its subsidiaries for stations KPVI(TV), Pocatello, Idaho, KJWY(TV), Jackson, Wyoming, and KXTF(TV), Twin Falls, Idaho. Therein Post claimed there were substantial family, ownership and business relationships between Meridian and Sunbelt.

On January 27, 2000, Fisher Broadcasting, Inc. (“Fisher”), the licensee of KIDK(TV), Idaho Falls, Idaho, also filed comments in support of Post’s petition stating it was concerned about the relationship between Sunbelt and Meridian. They also questioned the propriety of a local marketing agreement between Sunbelt’s station KXTF(TV), Twin Falls, Idaho and Compass Communications of Idaho, Inc. (“Compass”), the licensee of KFXP(TV) Pocatello, Idaho.

In a letter dated July 22, 2003, from Barbara A. Kreisman, Chief, Video Division, Media Bureau, to J. Dominic Monahan, Esq., the Commission rejected all of the Post and Fisher

allegations finding that neither had raised a substantial material question of fact. The Commission's July 22, 2003 letter also denied Post's May 15, 1995 Petition to Deny, and granted Meridian's Application. In its letter decision the Commission acknowledged that Post had also challenged licenses of stations KPVI(TV), KFXP(TV), and KJWY(TV), but stated that the petition against those stations would be addressed in a separate proceeding. However, no character issues (e.g. misrepresentation or lack of candor) were associated with that matter.

Post filed a Petition for Reconsideration thereof on August 21, 2003, challenging the staff's findings on Meridian's financial qualifications and the real party in interest issue. Both Meridian and Sunbelt filed oppositions thereto, followed by a reply pleading by Post. On July 21, 2005, the Commission again denied Post's claims in a letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau, to J. Dominic Monahan. The successor to Post, NPG of Idaho, Inc., filed an Application for Review thereof on August 22, 2005. In responsive pleadings, Meridian and Sunbelt demonstrate that NPG lacks standing and offers baseless allegations and factually incorrect assertions in its Application for Review, and that the Application should be dismissed by the Commission. The NPG Application for Review remains pending with the Commission.

B. Involving Rocky Mountain Broadcasting Company

On February 13, 2004, MMM License, LLC ("MMM") filed a Petition to Revoke and Deny the Licenses, Authorizations and Applications of Rocky Mountain Broadcasting Company ("RMBC"), concerning RMBC's Application for Television Translator Station Channel 28, Great Falls, Montana (Facility ID 131183), FCC File No. BNPTT-20000828BIK ("RMBC Translator Application"), and RMBC's Application for On-Channel Booster Station Channel 10, Great Falls, Montana (Facility ID 159494), FCC File No. BNPTVB-20000930BBS ("RMBC Booster Application").

In the MMM Petition, MMM alleges that RMBC lacks the necessary financial resources to complete construction on any of the above-referenced Applications, that RMBC made material misrepresentations concerning its financial qualifications, and that it violated the FCC's multiple ownership rule (47 C.F.R. § 73.3555). MMM also filed a First Supplement to the MMM Petition (dated March 30, 2004) in which MMM puts forth additional speculative arguments as to the issues it raised initially in the MMM Petition ("First Supplement"). Through counsel, RMBC filed its Opposition to the MMM Petition on February 26, 2004, and filed its Motion to Strike and Opposition to First Supplement of MMM License, LLC on April 13, 2004.

In both of these responsive pleadings, RMBC demonstrates that MMM has offered only speculative claims concerning RMBC that are wholly unsupported by anyone with personal knowledge, and are in no way supported by the Commission's rules and application procedures. RMBC has been consistently diligent in its filings before the Commission, and has attempted in all respects to comply with the Commission's processing rules.

On January 16, 2004, KRTV Communications, Inc. ("Cordillera") filed an Informal Objection to RMBC's Translator Application alleging that RMBC violated Commission policy with respect to site availability. On May 17, 2004, Cordillera filed a Petition to Deny the Booster Application of RMBC restating essentially the same items as in its prior filings. In late May of 2004, RMBC responded to the Cordillera pleadings reiterating that neither the Cordillera nor the MMM statements in their various pleadings hold any merit and that all should be dismissed by the Commission. Both the MMM Petition and the Cordillera pleadings include allegations that were rejected by the Commission in its July 22, 2003 letter regarding Meridian Communications of Idaho, Inc.

To the extent the filings addressed above raise reportable matters, the applicant includes this Exhibit 3(c) with the instant application.