



(REFERENCE COPY - Not for submission)

Modification of a LPTV Station Construction Permit Application

File Number: **0000094497** | Submit Date: **12/31/2019** | Call Sign: **KHLM-LD** | Facility ID: **57189** | FRN: **0011339363**
State: **Texas** | City: **HOUSTON**
Service: **LPD** | Purpose: **Minor Modification 0000052395** | Status: **Granted** | Status Date: **01/13/2020** | Expiration Date: **01/18/2022** | Filing Status: **InActive**

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	Yes

Fees, Waivers, and Exemptions

Section	Question	Response
Waivers	Does this filing request a waiver of the Commission's rule(s)?	No
	Total number of rule sections involved in this waiver request:	
	Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
LOTUS TV OF HOUSTON LLC Doing Business As: LOTUS TV OF HOUSTON LLC	Jay A. Levine 3301 Barham Boulevard Suite 200 LOS ANGELES, CA 90068 United States	+1 (323) 512- 2225	headquarters@lotuscorp. com	Limited Liability Company

Authorization Holder Name

Check box if the Authorization Holder name is being updated because of the sale (or transfer of control) of the Authorization(s) to another party and for which proper Commission approval has not been received or proper notification provided.

**Contact
Representatives
(2)**

Contact Name	Address	Phone	Email	Contact Type
Eileen Breslin <i>Attorney</i> McLaughlin & Stern, LLP	1010 Northern Blvd. Suite 400 Great Neck, NY 11021 United States	+1 (516) 467- 5421	EBreslin@McLaughlinStern. com	Legal Representative
Scott Turpie <i>Technical Consultant</i> Lohnes & Culver, LLC	PO Box 16343 Alexandria, VA 22302 United States	+1 (301) 776- 4488	scott@locul.com	Technical Representative

Alien Ownership

Question	Response
1) Is the applicant a foreign government or the representative of any foreign government as specified in Section 310(a) of the Communications Act?	No
2) Is the applicant an alien or the representative of an alien? (Section 310(b)(1))	No
3) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2))	No
4) Is the applicant an entity of which more than one-fifth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any entity organized under the laws of a foreign country? (Section 310(b)(3))	No
5) Is the applicant directly or indirectly controlled by any other entity of which more than one-fourth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any entity organized under the laws of a foreign country? (Section 310(b)(4))	No
6) Has the applicant received a declaratory ruling(s) under Section 310(b)(4) of the Communications Act?	No
6a) Enter the citation of the applicable declaratory ruling by DA/FCC number, FCC Record citation, release date, or any other identifying information.	
7) Has there been any change in the applicant's foreign ownership since issuance of the declaratory ruling(s) cited in response to Question 6?	
7a) Enter the File or Docket Number of the Petition for Declaratory Ruling that the applicant has filed for its foreign ownership in connection with this application pursuant to Section 310(b)(4) of the Communications Act. It is not necessary to file a request for a foreign ownership declaratory ruling if the applicant attaches a showing that the requested authorization(s) is exempt from the provisions of Section 310(b)(4).	
8) Does the applicant certify that it is in compliance with the terms and conditions of the foreign ownership declaratory ruling(s) cited in response to Question 6?	
9) In connection with this application, is the applicant filing a foreign ownership Petition for Declaratory Ruling pursuant to Section 310(b)(4) of the Communications Act?	No

Basic Qualifying Questions

Section	Question	Response
Revoked Application	Has the Applicant or any party to this application had any FCC station Authorization revoked or had any application for an initial, modification or renewal of FCC station Authorization denied by the Commission?	No
State or Federal Convictions	Has the Applicant or any party to this application, or any party directly or indirectly controlling the Applicant, ever been convicted of a felony by any state or federal court?	No

Channel and Facility Information

Section	Question	Response
Facility ID	57189	
State	Texas	
City	HOUSTON	
LPD Channel	10	

Antenna Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	Yes
	ASR Number	1059622
Coordinates (NAD83)	Latitude	29° 33' 45.2" N+
	Longitude	095° 30' 35.9" W-
	Structure Type	GTOWER-Guyed Structure Used for Communication Purposes
	Overall Structure Height	601.7 meters
	Support Structure Height	562.1 meters
	Ground Elevation (AMSL)	22.6 meters
Antenna Data	Height of Radiation Center Above Ground Level	436 meters
	Height of Radiation Center Above Mean Sea Level	458.6 meters
	Effective Radiated Power	3.0 kW

**Antenna
Technical Data**

Section	Question	Response
Antenna Type	Antenna Type	Directional Custom
	Do you have an Antenna ID?	No
	Antenna ID	1006167
Antenna Manufacturer and Model	Manufacturer:	Dielectric
	Model	TLS-V4/VP-R
	Rotation	25 degrees
	Electrical Beam Tilt	2
	Mechanical Beam Tilt	Not Applicable
	toward azimuth	
	Polarization	Elliptical
Elevation Radiation Pattern	Does the proposed antenna propose elevation radiation patterns that vary with azimuth for reasons other than the use of mechanical beam tilt?	No
	Uploaded file for elevation antenna (or radiation) pattern data	
	Out-of-Channel Emission Mask:	Full Service

Directional Antenna Relative Field Values (Pre-rotated Pattern)

Degree	Value	Degree	Value	Degree	Value	Degree	Value
0	1.000	90	0.653	180	0.644	270	0.653
10	0.995	100	0.611	190	0.639	280	0.705
20	0.978	110	0.583	200	0.627	290	0.761
30	0.952	120	0.572	210	0.609	300	0.818
40	0.915	130	0.575	220	0.590	310	0.870
50	0.870	140	0.590	230	0.575	320	0.915
60	0.818	150	0.609	240	0.572	330	0.952
70	0.761	160	0.627	250	0.583	340	0.978
80	0.705	170	0.639	260	0.611	350	0.995

Additional Azimuths

Degree	V _A
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Parties to the Application (9)

Party Name	Address	Phone	Email	Positional Interest
Jay A. Levine Lotus TV of Houston, LLC	3301 Barham Boulevard Los Angeles, CA 90068 United States	+1 (323) 512-2225	Headquarters@LotusCorp. com	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Lilli Kalmenson Rosenbloom Lotus TV of Houston, LLC	5031 Brewster Drive Tarzana, CA 91352 United States	+1 (323) 512-2225	Headquarters@LotusCorp. com	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
James Kalmenson Lotus TV of Houston, LLC	3301 Barham Boulevard Los Angeles, CA 90068 United States	+1 (323) 512-2225	Headquarters@LotusCorp. com	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Howard A. Kalmenson Lotus TV of Houston, LLC	3301 Barham Boulevard Los Angeles, CA 90068 United States	+1 (323) 512-2225	Headquarters@LotusCorp. com	Positional Interest: Officer Citizenship: United States Percentage of Votes: 100% Percentage of Total Assets: 0%

Melissa B. Frederick Lotus TV of Houston, LLC	3301 Barham Boulevard Los Angeles, CA 90068 United States	+1 (323) 512-2225	Headquarters@LotusCorp. com	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
K. Jasmin Dorismond Lotus TV of Houston LLC	3301 Barham Boulevard Los Angeles, CA 90068 United States	+1 (323) 312-2225	Headquarters@LotusCorp. com	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
The Howard A. Kalmenson Trust, Howard A. Kalmenson, Trustee The Howard A. Kalmenson Trust	3301 Barham Boulevard Los Angeles, CA 90068 United States	+1 (323) 512-2225	Headquarters@LotusCorp. com	Positional Interest: Stockholder of Sole Member Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 22%
Lotus Communications Corp. Lotus Communications Corp.	3301 Barham Boulevard Los Angeles, CA 90068 United States	+1 (323) 512-2225	Headquarters@LotusCorp. com	Positional Interest: LLC Member Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%

The Lilli Kalmenson Rosenbloom Trust, Lilli Kalmenson Rosenbloom, Trustee The Lilli Kalmenson Rosenbloom Trust	5031 Brewster Drive Tarzana, CA 91352 United States	+1 (323) 512-2225	Headquarters@LotusCorp. com	Positional Interest: Stockholder of Sole Member Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 22%
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Attributable Interest

Section	Question	Response
Equity and Financial Interests	Applicant certifies that equity and financial interests not set forth by the applicant parties are non-attributable.	Yes
Other Authorizations	Does the applicant or any party to the application have an attributable interest in any other broadcast station(s).	Yes

**Construction
Permit
Certifications**

Section	Question	Response
Post-Incentive Auction Expedited Processing	It will operate on the DTV channel for this station as established in the post-incentive auction channel reassignment public notice.	
	It will operate post-incentive auction facilities that do not expand the noise-limited service contour in any direction beyond that established by the post-incentive auction channel reassignment public notice.	
	It will operate post-incentive auction facilities that match or reduce by no more than five percent with respect to predicted population from those defined in the post-incentive auction channel reassignment public notice.	
	The antenna structure to be used by this facility has been registered by the Commission and will not require re-registration to support the proposed antenna, OR the FAA has previously determined that the proposed structure will not adversely affect safety in air navigation and this structure qualifies for later registration under the Commission's phased registration plan, OR the proposed installation on this structure does not require notification to the FAA pursuant to 47 C.F.R. Section 17.7.	
Environmental Effect	Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)	No
Broadcast Facility	The proposed facility complies with all of the following applicable rule sections. 47 C.F.R. Sections 74.709, 74.793 (e), 74.793(f), 74.793(g), 74.793(h)	Yes

**Legal
Certifications**

Section	Question	Response
Character Issues	<p>Applicant certifies that neither applicant nor any party to the application has or had any interest in, or connection with:</p> <p>(a) any broadcast application in any proceeding where character issues were left in unresolved or were resolved adversely against the applicant or party to the application; or</p> <p>(b) any pending broadcast application in which character issues have been raised.</p>	Yes
Adverse Findings	<p>Has the Applicant or any party to this application had an adverse finding or an adverse final action taken by any court or administrative body in a civil or criminal proceeding brought under any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?</p>	No
Program Service Certification	<p>Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.</p>	Yes
Local Public Notice	<p>Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.</p>	Yes
Equal Employment Opportunity (EEO)	<p>If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report.</p>	N/A
Auction Authorization	<p>If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.</p>	N/A
Rebroadcast Certification	<p>(For Applicants proposing rebroadcasts that are not the licensee of the primary station) Applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted.</p>	N/A

Certification

Section	Question	Response
<p>General Certification Statements</p>	<p>The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).</p>	
	<p>The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR §1.2002(b), for the definition of "party to the application" as used in this certification §1.2002 (c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.</p>	
<p>Authorized Party to Sign</p>	<p>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</p> <p>Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application.</p> <p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND /OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).</p>	
	<p>I certify that this application includes all required and relevant attachments.</p>	<p>Yes</p>
	<p>I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.</p>	<p>Jay A. Levine <i>Senior Vice President</i></p> <p>12/31/2019</p>

Attachments

File Name	Uploaded By	Attachment Type	Description
<u>KHLM-LD10_CP-Mod20191226.pdf</u>	Applicant	All Purpose	Technical Statement Re: CP Modification
<u>Lotus HC2 Mutual Exclusivity Settlement Agreement (10Jan19).pdf</u>	Applicant	All Purpose	Mutual Exclusivity Settlement Agreement
<u>Lotus Other Authorizations 9Jan19(1).pdf</u>	Applicant	Attributable Interest	Other Authorizations