

JUN 17 2004



Federal Communications Commission
Enforcement Bureau
520 NE Colbern Road
Lee's Summit, MO 64086

June 14, 2004

Colins Broadcasting Company
205 S. West Street Suite A
Visalia, CA 93291

In Response Refer to: File No. EB-04-KC-080

Dear Colins Broadcasting Company:

The purpose of this letter is to follow up on issues raised during the recent inspection of TV Station KSNB-TV, community of license, Superior, NE on May 12, 2004. Specifically, these issues involve the station's Emergency Alert System (EAS), main studio staffing levels and control point issues.

To resolve the issues with respect to this station and pursuant to Section 308(b) of the Communications Act of 1934, as amended,¹ and Section 1.17 of the Commission's Rules,² you are directed to respond to the following questions:

- (1) During the May 12, 2004 investigation, our agent observed no EAS equipment at the station. Has Station KSNB-TV obtained a waiver from the Federal Communications Commission (FCC) of its EAS Rules which require licensees to maintain EAS equipment capable of monitoring and transmitting EAS messages at the station? If so, please provide a copy of that waiver. Neither Site Manager, Larry Persson, nor Jerry Fuehrer, chief engineer, seemed to be aware of such a waiver.
- (2) Has Colins Broadcasting Company notified the FCC, in writing, that the transmission control point for Station KSNB-TV has been established at a location other than the main studio or transmitter?³ If so, please provide a copy of that notification and evidence of receipt by the FCC.
- (3) Where does Colins Broadcasting Company consider the main studio for Station KSNB-TV? What employees staff the main studio? Please provide their names, titles and regular hours spent at studio.

¹ 47 U.S.C. § 308(b)

² 47 C.F.R. § 1.17

³ See 47 C.F.R. § 73.1350

Your response to this inquiry must be supported by a sworn statement, signed by a corporate officer or member of the board of directors of Colins Broadcasting Company, attesting to the truth and accuracy of the response. You should submit your sworn response so that it is received at the following address no later than 20 days from the date of this letter.

Federal Communications Commission
520 NE Colbern Road
2nd Floor
Lee's Summit, MO 64086

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert C. McKinney".

Robert C. McKinney
District Director
Kansas City Office
South Central Region
FCC Enforcement Bureau

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July 2, 2004

VIA COURIER

Mr. Robert C. McKinney
District Director, Kansas City Office
South Central Region
FCC Enforcement Bureau
Federal Communications Commission
520 NE Colbern Road
2nd Floor
Lee's Summit, Missouri 64086

Re: File No. EB-04-KC-080

Dear Mr. McKinney:

On behalf of Colins Broadcasting Company ("Colins"), licensee of Television Station KSNB-TV, Superior, Nebraska ("KSNB-TV"), we hereby respond to your letter of June 14, 2004, with regard to certain issues raised during an FCC inspection of KSNB-TV on May 12, 2004. Specifically, your letter requests information concerning KSNB-TV's Emergency Alert System (EAS), the location of KSNB-TV's transmission control point, and main studio staffing levels.

(1) EAS Equipment.

Your letter states that the FCC agent observed no EAS equipment at the station during the May 12 inspection, and asks whether KSNB-TV has obtained a waiver from the FCC of its EAS rules requiring licensees to maintain EAS equipment capable of monitoring and transmitting EAS messages at the station.

KSNB-TV maintains and uses EAS equipment, including an EAS encoder, EAS decoder and generating and receiving equipment, which was fully functional and operational at the time of the recent FCC inspection and remains fully functional and operational today. However, such EAS equipment is not located at the KSNB-TV main studio near Superior, Nebraska, which is why the FCC agent observed no EAS equipment at that location. Instead, KSNB-TV's EAS equipment is maintained at a remote control location in Axtell, Nebraska. KSNB-TV is operated by remote control from the Axtell facilities that are also used by Television Station KTVG(TV) in Axtell, Nebraska. Because KSNB-TV's EAS equipment is operated manually, it must be located at the station's remote control location in Axtell in order to monitor and transmit EAS

messages in compliance with the Commission's rules.¹ KSNB-TV's EAS equipment is dedicated to KSNB-TV and is not used by KTVG(TV) or any other station.

Colins has not sought any waiver of the Commission's EAS rules because its EAS operations are in compliance with the rules.²

(2) Transmission Control Point.

Your letter asks whether Colins has notified the FCC in writing that the transmission control point for KSNB-TV has been established at a location other than the main studio or transmitter and, if so, you request a copy of such notification and evidence of receipt by the FCC.

The transmission control point for KSNB-TV is located at facilities used by KTVG(TV) in Axtell, Nebraska. The KSNB-TV transmission control point was established at the Axtell facility long before Colins became the licensee of KSNB-TV and KSNB-TV's transmitter has been controlled remotely from the Axtell location ever since Colins acquired the station in May of 1999.³

We understand that, for some period prior to Colins' purchase of KSNB-TV, the KSNB-TV transmitter was controlled from the KSNB-TV main studio/transmitter site near Superior, Nebraska, and that full-time remote control operation was commenced from the Axtell facility in October of 1997 while Fant Broadcasting Company of Nebraska, Inc. was KSNB-TV's licensee. We have no knowledge as to whether Fant Broadcasting notified the FCC of its establishment of the station's transmission control point in Axtell.

Because the transmission control point was established at Axtell before Colins became the KSNB-TV licensee, Colins did not furnish a notification to the Commission under Section 73.1350 of the rules.⁴ However, to ensure that the Commission's records are accurate and up-to-date, we have filed such a notification with the Commission and are providing a copy to you with this response.

(3) Main Studio Location and Staffing.

Your letter inquires as to the location of KSNB-TV's main studio. It also requests information concerning the employees who staff the main studio, including their names, titles and regular hours spent at the studio.

¹ See e.g., Section 11.51(m) of the rules, which provides that if manual operation of EAS equipment is employed at stations that use remote control, the EAS decoder must be located at the remote control location.

² Your letter states in paragraph (1) that neither Larry Persson, the Colins' Manager, "nor Jerry Fuehrer, chief engineer," were aware of any EAS rule waiver. Please be advised that Mr. Fuehrer is not an employee of Colins, but is employed by Pappas Telecasting.

³ Employees of Colins also can monitor KSNB-TV operations and turn the KSNB-TV transmitter on and off and adjust certain operating parameters from the station's main studio/transmitter location near Superior, Nebraska.

⁴ Section 73.1350(g) of the rules requires FCC notification within 3 days of the initial use of a transmission control point at a location other than the main studio or transmitter.

Mr. Robert C. McKinney

July 2, 2004

Page 3

The main studio for KSNB-TV, which the FCC agent visited on May 12, 2004, is co-located with the station's transmitter site which is approximately 4 miles north and 4 miles east of Superior, Nebraska. The mailing address is Route 1, Box 121, Hardy, Nebraska 68943.

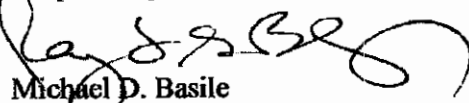
KSNB-TV's main studio is normally staffed with a full-time managerial employee of Colins and a part-time staff employee of Colins. Mr. Lawrence Persson has been the full-time Manager at KSNB-TV since August of 2000. His regular hours spent at the studio are from 8:00 am to 5:00 pm, Monday through Friday, with a one-hour lunch break.

Until recently, Colins also employed Mr. Gary Roe as a part-time staff employee at KSNB-TV's main studio until he resigned effective April 9, 2004, for health reasons. Mr. Roe had worked for Colins at the main studio since April of 2001. His regular hours at the studio were from 8:00 am to noon, Monday through Friday. After Mr. Roe resigned, the part-time staff position was advertised twice in the local Superior Express newspaper. Three candidates interviewed for the position. After testing and a background check was completed, an offer of employment was made to Mr. Roger Larsen on July 1, 2004, and he has accepted. Mr. Larsen is scheduled to begin work at the main studio at 8:00 am on July 7, 2004.

Attached is the Declaration of Thomas F. Mitts, the President, a Director and the sole stockholder of Colins, supporting the truth and accuracy of the facts set forth herein.

We trust that the this information is responsive to your inquiry.

Respectfully submitted,



Michael D. Basile

Raymond G. Bender, Jr.

Counsel to Colins Broadcasting Company

Attachments

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ATTORNEYS AT LAW

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July 2, 2004

VIA HAND DELIVERY

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Attn: Media Bureau, Video Division

Re: **KSNB-TV, Superior, NE (Facility ID 21161)**
Notice of Transmission System Control Points

Dear Ms. Dortch:

On behalf of Colins Broadcasting Company ("Colins"), licensee of KSNB-TV, Superior, Nebraska (the "Station"), and pursuant to Section 73.1350(g) of the Commission's rules (*see* 47 C.F.R. § 73.1350(g)), we hereby notify the Commission that the Station currently is operating with the following transmission system control points:

Remote control point: 1078 25th Rd., Axtell, Nebraska 68924

Main studio/transmitter site: Four miles north and four miles East of Superior, Nebraska
(mailing address: Route 1, Box 121, Hardy, Nebraska 68943)

We understand that, for some period prior to Colins' purchase of the Station, the Station's transmitter was controlled from its main studio/transmitter site near Superior, Nebraska, and that full-time remote control operation was commenced from the Axtell facility in October of 1997. Because the transmission control point was established at Axtell before Colins became the licensee of the Station, Colins did not furnish a notification of the Axtell transmission control point to the Commission under Section 73.1350 of the rules. Colins, however, has been unable to establish whether the prior licensee notified the Commission of its establishment of the Station's transmission control point in Axtell. Therefore, to ensure that the Commission's records are accurate and up-to-date, we hereby notify the Commission of the Station's current transmission system control points.

Please inform me if any questions should arise concerning this notice.

Respectfully submitted,

Jeffrey J. Gee

Declaration of Thomas F. Mitts

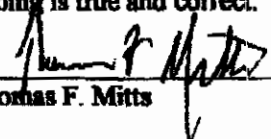
Thomas F. Mitts hereby declares as follows:

1. I am the President, a Director and the sole stockholder of Colins Broadcasting Company ("Colins"), licensee of Television Station KSNB-TV, Superior, Nebraska ("KSNB-TV").
2. KSNB-TV maintains and uses EAS equipment, including an EAS encoder, EAS decoder and generating and receiving equipment. That equipment was fully functional and operational at the time of the FCC inspection of KSNB-TV on May 12, 2004, and it remains fully functional and operational today. The station's EAS equipment is not located at the KSNB-TV main studio near Superior, Nebraska, but is maintained at a remote control location in Axtell, Nebraska. KSNB-TV is operated by remote control from the Axtell facilities that are also used by Television Station KTVG(TV) in Axtell, Nebraska. KSNB-TV's EAS equipment is operated manually, and it therefore is located at the station's remote control location in Axtell in order to monitor and transmit EAS messages in compliance with the Commission's rules.
3. Colins has not sought any waiver of the EAS rules because we believe the station's EAS operations are in compliance with the rules.
4. The transmission control point for KSNB-TV is located at facilities used by KTVG(TV) in Axtell, Nebraska. The KSNB-TV transmission control point was established at the Axtell facility before Colins became the licensee of KSNB-TV in May of 1999. KSNB-TV's transmitter has been controlled remotely from the Axtell location ever since Colins acquired the station in May of 1999. Employees of Colins also can monitor KSNB-TV operations and turn the KSNB-TV transmitter on and off and adjust certain operating parameters from the station's main studio/transmitter location near Superior, Nebraska.
5. It is my understanding that, for some period prior to Colins' purchase of KSNB-TV, the KSNB-TV transmitter was controlled from the KSNB-TV main studio/transmitter site near Superior, Nebraska, and that full-time remote control operation was commenced from the Axtell facility in October 1997 while Fant Broadcasting Company of Nebraska, Inc. was the KSNB-TV licensee. I do not know whether Fant Broadcasting ever gave notification to the FCC concerning establishment of the transmission control point in Axtell.
6. The main studio for KSNB-TV is co-located with the station's transmitter site which is approximately 4 miles north and 4 miles east of Superior, Nebraska. The mailing address is Route 1, Box 121, Hardy, Nebraska 68943.

7. KSNB-TV's main studio is normally staffed with a full-time managerial employee of Colins and a part-time staff employee of Colins. Mr. Lawrence Persson has been the full-time Manager at KSNB-TV since August of 2000. His regular hours spent at the studio are from 8:00 am to 5:00 pm, Monday through Friday, with a one-hour lunch break.
8. Colins also employed Mr. Gary Roe as a part-time staff employee at KSNB-TV's main studio until he resigned effective April 9, 2004, for health reasons. Mr. Roe had worked for Colins at the main studio since April of 2001. His regular hours at the studio were from 8 am to noon, Monday through Friday. After Mr. Roe resigned, the part-time staff position to replace him was advertised twice in the local Superior Express newspaper. Three candidates interviewed for the position. Following testing and a background check, an offer of employment was made to Mr. Roger Larsen on July 1, 2004, and he has accepted. Mr. Larsen is scheduled to begin work at the main studio at 8:00 am on July 7, 2004.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 2, 2004


Thomas F. Mitts

DOW, LOHNES & ALBERTSON, PLLC
ATTORNEYS AT LAW

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August 20, 2004

VIA COURIER

Mr. Robert C. McKinney
District Director, Kansas City Office
South Central Region
FCC Enforcement Bureau
Federal Communications Commission
520 NE Colbern Road, 2nd Floor
Lee's Summit, Missouri 64086

**Re: Colins Broadcasting Company Response to Notice of Violation
KSNB-TV, Superior, Nebraska (Facility ID No. 21161)
FCC File No. EB-04-KC-080
NOV No. V20043256008**

Dear Mr. McKinney:

On behalf of Colins Broadcasting Company ("Colins"), licensee of Television Station KSNB-TV, Superior, Nebraska, we submit herewith an original and one copy of Colins' response to the above-referenced Notice of Violation issued on August 2, 2004 by the Enforcement Bureau, Kansas City Office.

Kindly contact the undersigned should you have any questions concerning this matter.

Very truly yours,



Michael D. Basile
for Colins Broadcasting Company

Enclosure

cc (w/encl.): Raymond G. Bender, Jr., Esq.

bcc (w/encl.): Mary Maddox
Larry Persson (copy for public inspection file)
Tim Williams

File: 01785.0005.31.01.01
Mitts, Thomas F.
KSNB- TV, Superior (Lincoln), NE -- Regulatory Matters -
June 2004 FCC Investigation

August 19, 2004

VIA COURIER

Mr. Robert C. McKinney
District Director, Kansas City Office
South Central Region
FCC Enforcement Bureau
Federal Communications Commission
520 NE Colbern Road, 2nd Floor
Lee's Summit, Missouri 64086

**Re: Colins Broadcasting Company Response to Notice of Violation
KSNB-TV, Superior, Nebraska (Facility ID 21161)
FCC File No. EB-04-KC-080
NOV No. V20043256008**

Dear Mr. McKinney:

Colins Broadcasting Company ("Colins"), licensee of Television Station KSNB-TV, Superior, Nebraska (the "Station"), pursuant to Section 308(b) of the Communications Act of 1934, as amended, and Section 1.89 of the Commission's Rules, hereby responds to the above-referenced Notice of Violation (the "Notice") concerning the Station.¹ The Notice states that on May 12, 2004, an agent of the Commission's Kansas City Office inspected the Station and observed that the Station's public inspection file was not located at the main studio at the time of the inspector's visit.

The main studio for KSNB-TV is co-located with the Station's transmitter site, approximately 4 miles north and 4 miles east of Superior. The Station's remote transmission control point is located at 1078 25th Road in Axtell, Nebraska, approximately two hours and fifteen minutes by car from the Station's main studio location. Mr. Timothy Williams, the Station's Chief Operator, works primarily at the remote control point in Axtell. At the time of the FCC inspection, Mr. Williams also had primary responsibility for maintaining the Station's public inspection file.

Prior to May 12, 2004, the public file was removed from the Station's main studio and delivered to Mr. Williams' office in Axtell so that he could review and update the file as

¹ 47 U.S.C. § 308(b); 47 C.F.R. § 1.89.

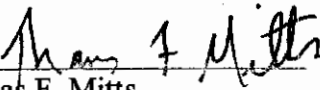
Mr. Robert C. McKinney
August 19, 2004
Page 2

necessary. When Mr. Williams learned of the Commission's inspection of the Station on May 12, 2004, he immediately arranged for the return of the file to the Station's main studio that day. The file in fact was returned to the main studio location on May 12, 2004, shortly after the FCC inspector departed the premises.

Colins has taken steps to ensure that the Station's public inspection file will remain at the KSNB-TV main studio at all times. All documents required to be placed in the public file shall be sent directly to the main studio location and placed in the file by Station personnel at that location. Colins has instructed Station personnel that the file shall be reviewed and updated as necessary at the main studio facility and may be not be removed from the main studio at any time for any reason.

Please do not hesitate to contact me or Colin's counsel, Michael D. Basile of Dow, Lohnes & Albertson ((202) 776-2556), if you require any additional information regarding this matter.

Sincerely,



Thomas F. Mitts
President
Colins Broadcasting Company