

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re Applications of)
)
THREE ANGELS BROADCASTING)
NETWORK, INC.)
)
For Construction Permit) File No. BDISDVA-20121029ABE
For Minor Modification of) Facility ID No. 67013
Station K21DO, Palm Springs, California)

TO: Secretary, Federal Communications Commission
ATTN: Chief, Video Division, Media Bureau

**OPPOSITION TO
INFORMAL OBJECTION**

On behalf of Three Angels Broadcasting Network, Inc. ("3ABN"), licensee of Class A TV Station K21DO, Palm Springs, California, we hereby oppose the Informal Objection filed December 17, 2012 by Entravision Holdings, LLC ("Entravision"). The application at issue is 3ABN's request for a digital displacement construction permit on Channel 11 for in Palm Springs, California (the "Application").

Entravision's Objection relies primarily on the rules of baseball, which do not apply to the Commission, and to 3ABN's alleged lack of a showing of interference to K21DO. However, 3ABN provided the interference showing in an amendment filed December 6, 2012, eleven days prior to the date of Entravision's Informal Objection. That showing revealed a 0.91% overlap with Entravision's own pending application for full power digital station, KPMR, in Santa Barbara, California, FCC File No. BPCDT-20120817ABD. Any digital application filed for 3ABN's current analog channel 21 would also cause interference to both the existing analog

license and prior filed digital application for LPTV station K21GI, in violation of FCC Rule §73.6012.

Although Entravision does not say so, its real concern is that 3ABN's Application has precedence over its own companion application for Channel 11 in Indio, California, FCC File No. BDCCDVL-20120920ABN. According to FCC Rule §73.3572(a)(4)(iii), when a Class A displacement relief application becomes mutually exclusive with non-displacement modification applications for other Class A stations, "priority will be afforded to the Class A TV displacement relief application(s) to the exclusion of other applications." Because this is specified in the FCC's rules, Entravision has no choice but to resort to baseball. But that desperate measure can best be described as a foul ball.

Accordingly, we hereby request the Commission to deny Entravision's Informal Objection and to grant 3ABN's captioned Class A digital displacement Application.

Respectfully submitted,

**THREE ANGELS BROADCASTING
NETWORK, INC.**

By:

David M. Silverman

DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Ave., N.W.
Suite 800
Washington, D.C. 20554
(202) 973-4200

Its Attorneys

January 16, 2013

CERTIFICATE OF SERVICE

I, Sharon K. Mathis, a secretary with the law firm of Davis Wright Tremaine LLP do hereby certify that copies of the foregoing Opposition to Informal Objection were sent via first-class, postage prepaid, United States mail, this 16th day of January 2013, to the following:

Barry A. Friedman, Esq.
Thompson Hine LLP
1919 M Street, N.W., Suite 700
Washington, D.C. 20036
Counsel to Entravision Holdings, LLC

❖ Barbara Kreisman
Division Chief
Video Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W., Rm. 2-A666
Washington, D.C. 20554

❖ Hossein Hashemzadeh
Deputy Division Chief
Video Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W., Rm. 2-C866
Washington, D.C. 20554

Sharon K. Mathis

❖ Via Hand Delivery.