



Via FedEx (785-379-0012)

September 26, 2011

KSQA-TV
800 SW Jackson Street, #1407
Topeka, KS 66612
Attention: Gregory Talley, Operations Manager

Re: KSQA-TV (DMA: Topeka, KS)

We are in receipt of your letter requesting mandatory carriage for KSQA-TV.

Please be advised that according to the Federal Communications Commission's records, the status of KSQA -TV is 'CP off air'. Therefore, DIRECTV denies your request for mandatory carriage.

General correspondence should be sent to Locals-Business@directv.com or:

**DIRECTV Local Into Local
2230 E. Imperial Highway, Mail Stop N344
El Segundo, CA 90245**

Sincerely,

DIRECTV



Via FedEx (785-379-0012)

March 20, 2012

KSQA-TV
800 SW Jackson Street, #1407
Topeka, KS 66612
Attention: Gregory Talley, Operations Manager

Re: KSQA-TV (DMA: Topeka, KS)

We are writing in response to your letter received on March 15, 2012, regarding mandatory carriage request for KSQA-TV in the Topeka, KS local market.

Please be advised that DIRECTV timely responded to your mandatory carriage request on September 26, 2011, a copy of which is attached to this letter. In that response, we denied your request based on our understanding from FCC records that KSQA was "off air."

There appears to remain some confusion in the FCC database and related materials concerning KSQA's current status. In light of that confusion, we ask you to explain to us the legal basis upon which you believe that we are required to carry KSQA-TV. In doing so, please indicate to us the status (*e.g.*, full-power or low-power) under which the station is operating (if indeed it is operating), the date upon which it commenced operations, and the location of KSQA's transmit tower. Upon receipt of this information, we will commit to processing your request expeditiously. In the meantime, please accept our apologies for any delay this may cause.

Please send your response to Locals-Business@directv.com or:

**DIRECTV Local Into Local
2230 E. Imperial Highway, Mail Stop N344
El Segundo, CA 90245**

Sincerely,

DIRECTV



KSQA-TV12 TOPEKA

April 18, 2012

CERTIFIED MAIL-Return Receipt Requested

Systems Manager
Direct Tv
2230 E. imperial Highway Mail Stop N344
El Segundo, Ca 90425

Re: KSQA TV, Topeka KS-Mandatory Carriage Election

Dear Systems Manager:

This responds to your letter of March 20, 2012, seeking additional data regarding KSQA carriage rights.

In your first letter dated September 26, 2011, you refused to commence carriage of the signal KSQA based on your assertion that the FCC database showed the station to be off the air. This was not a permissible legal basis to deny carriage. To the contrary, FCC rules required you to have completed test to measure the existence and strength of the signal. Had the test been made, the presence of the broadcast signal as of September 26, 2011 would have been revealed.

In yet another letter, you again declined to commence carriage. This time you suggest KSQA TV is a low power television station not entitled to carriage. You maintain that "confusion" exist in the FCC database concerning the station's "status". Our review of a copy of the station's license in the FCC database shows that KSQA was licensed as of September 29, 2011 (and thereby operating as of that date) as a "commercial digital broadcast station." There is no reference to status as a low power station, only the traditional description of a full power station. Also, the FCC Table of Allotments shows KSQA as a full power station. As you do not detail the purported confusion in the "related materials", it is impossible to respond. Also, you demand we detail our transmission site. This data was provided in our letter of September 28, 2011.

Your letter of March 20, 2012, can be interpreted as unjustified delay. We ask that Direct Tv confirm in writing to us that it will process our request for carriage expeditiously. Alternatively, we will be compelled to consider seeking relief from the FCC.

Sincerely,


Gregory Talley
Operations Manager

May 9, 2012

BY OVERNIGHT MAIL

Mr. Gregory Talley
Operations Manager
KSQA-TV 12
800 SW Jackson Street, #1407
Topeka, KS 66612

Re: KSQA-TV, Topeka KS

Dear Mr. Talley:

On May 3, I wrote you a letter with respect to KSQA's request for mandatory carriage on DIRECTV's satellite system. In that letter, I raised certain issues with respect to the status of KSQA's license at the time it made its must carry request. I also stated that DIRECTV would nonetheless send an engineering team to Topeka in the next week or so to conduct a signal strength test, in order to expedite the process while we attempted to resolve the outstanding issues.

DIRECTV has forwarded me the results of that signal strength test. It appears that KSQA is not transmitting in accordance with the standards for digital transmissions set forth in ATSC A/52: "ATSC Standard Digital Audio Compression (AC-3)," as required by the Commission. 47 C.F.R. § 73.682(d). Rather, as the attached demonstrates, it appears that KSQA is transmitting audio in MPEG1 Layer 2 (also known as M1L2 or Musicam) format. Because KSQA's signal is not transmitted in the format mandated by the Commission, it cannot be considered a "good quality signal" for purposes of Section 76.66(g) of the Commission's rules.

This is no mere formality. DIRECTV's satellite system cannot reliably decode and re-encode the Musicam audio format. Under the Commission's rules, moreover, stations are responsible for the costs associated with any "specialized equipment" required to deliver a good quality signal. *E.g., Arkansas 49, Inc. v. EchoStar Comm's Corp.*, 18 FCC Rcd. 26571, ¶ 8 (MB 2003). Accordingly, unless and until KSQA can deliver a signal in the ATSC format specified by the Commission, DIRECTV must decline KSQA's request for carriage.

Please note that DIRECTV does not waive any other objections it may have to such carriage, including those I raised in my previous letter. Should you have any further questions, please do not hesitate to contact me.

WILTSHIRE & GRANNIS LLP

Mr. Gregory Talley
May 9, 2012
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Nilsson", with a long horizontal flourish extending to the right.

Michael Nilsson
Counsel to DIRECTV, LLC

NO
A-1
A-2

KSQA-TV12 TOPEKA

May 25, 2012

Michael Nilsson Esq.
Wiltshire & Grannis LLP
1200 18th Street NW Suite 1200
Washington, DC 20036

Re: KSQA TV, Topeka

Dear Mr. Nilsson:

This responds to your letter of May 9, 2012, wherein you advise that KSQA is not transmitting audio in the ATSC Standard Digital Audio Compression or AC-3. Our consulting engineer has caused changes and adjustments in our encoding system and confirms that KSQA TV is transmitting in AC-3. Also, we have been advised by independent sources that they have monitored our digital stream and in fact are receiving the AC-3 format.

Your May 9, 2012 letter referenced a May 3 letter in which you state you raised issues as to the status of the KSQA license. We did not receive the May 3 letter and therefore cannot respond with any specificity. As a full power broadcast television station, we timely noticed our election and assertion of must carry rights and have satisfied all regulatory prerequisites for carriage. We also note that the failure to respond to the notices and request for carriage for seven months suggest unnecessary delay.

KSQA requests that Direct TV prior to June 5, 2012, provide us notice that it will commence carriage of the KSQA signal within thirty days thereafter.

Sincerely,


Greg Talley
Operations Manager



June 12, 2012

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Gregory Talley
Operations Manager
KSQA-TV 12
800 SW Jackson Street, #1407
Topeka, KS 66612

Re: KSQA-TV, Topeka KS

Dear Mr. Talley:

As you know, I have corresponded with you repeatedly regarding KSQA's request for mandatory carriage on DIRECTV's satellite system. On May 3, I wrote raising certain issues with respect to the status of KSQA's license at the time it made its must carry request. (Federal Express was unable to deliver that letter, which I subsequently resent by certified mail.) On May 9, I wrote with respect to KSQA's audio transmissions, pointing out that KSQA was not at the time transmitting in ATSC Standard Digital Audio Compression (AC-3), as required by the Commission. 47 C.F.R. § 73.682(d). You have since replied, on May 25, that KSQA had commenced transmitting in AC-3. You have yet to reply with respect to licensing issues.

Despite our concerns with licensing issues, I indicated to you that DIRECTV would continue to evaluate KSQA's signal. Accordingly, and at substantial expense to DIRECTV, we sent a second field engineer to Kansas last week. He reported that KSQA had indeed commenced transmitting in AC-3 audio. For that we thank you.

He also, however, reported an "additional carrier" (or a "spike") in KSQA's spectrum. Attached to this letter please find the results of his testing, plainly showing the additional carrier. He was unable to decode the signal because of this additional carrier. We are having an analyzer shipped to the site—again, at our significant expense—so that a senior engineer can investigate further in the next week or so. As we learn more, we hope to be able to work with you cooperatively in order to resolve the situation.

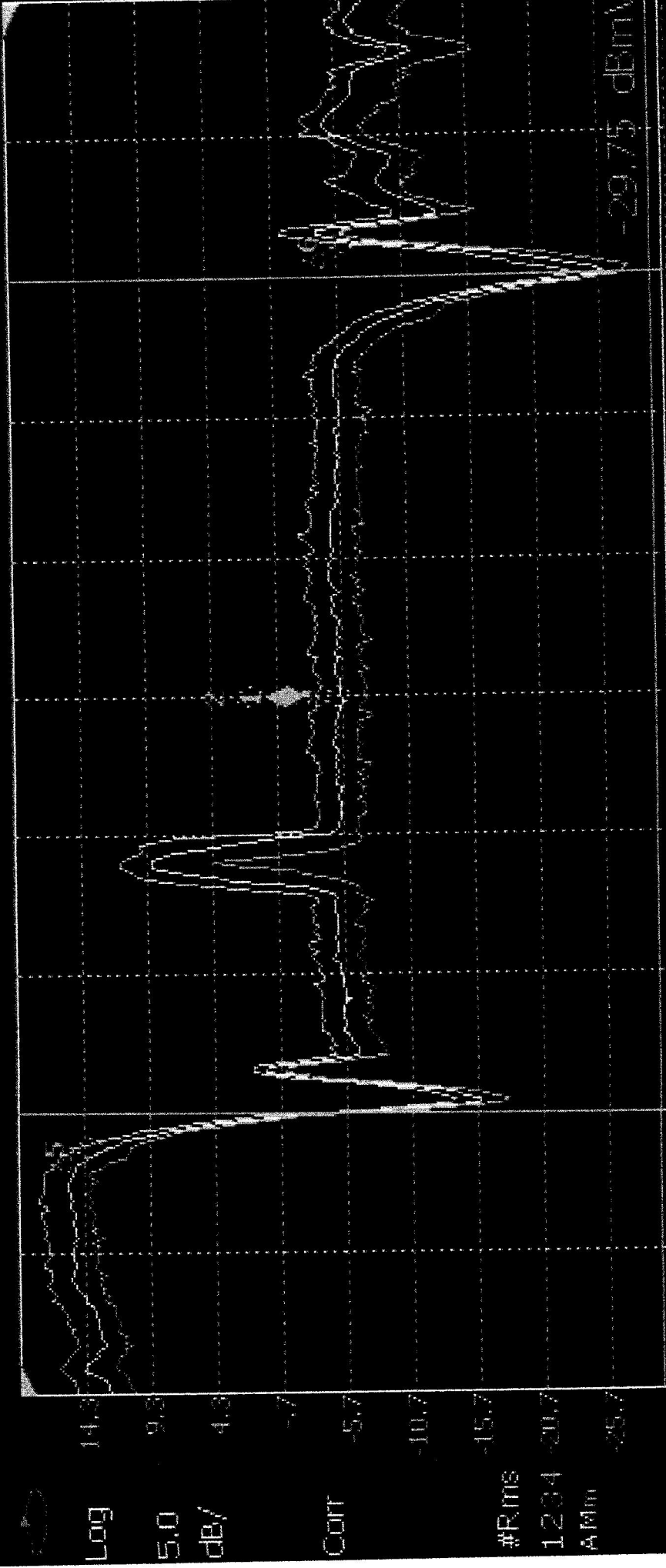
In the meantime, I await a response from you regarding the licensing issues I had raised earlier.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Nilsson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael Nilsson
Counsel to DIRECTV, LLC

SA Ref 19.30 dBmV Atten 5 dB



M1: 207.000 MHz 14.50 dBmV M4: 207.000 MHz -5.543 dBmV
M2: 207.000 MHz 17.25 dBmV M5: 325.000 MHz 17.930 dB
M3: 207.000 MHz 10.70 dBmV M6: 325.000 MHz -3.150 dB
-29.75 dBmV

#Step Center 207.0000 MHz (Ch 12) std: USDTV (Ch2-51) Span 10.00000 MHz
#Res BW 100.0 kHz #VBW 100.0 kHz #Swp 650.0 ms (401 pts)



June 29, 2012

BY CERTIFIED AND ELECTRONIC MAIL

Mr. Gregory Talley
Operations Manager
KSQA-TV 12
800 SW Jackson Street, #1407
Topeka, KS 66612
greg@ksqa12.com

Re: KSQA-TV, Topeka KS

Dear Mr. Talley:

We have corresponded repeatedly with respect to KSQA's request for mandatory carriage on DIRECTV's satellite system. In my most recent correspondence I explained that DIRECTV's engineer had found an additional carrier (or a "spike") in KSQA's spectrum, which prevented DIRECTV from decoding the signal at its local receive facility.

DIRECTV's Field Engineers returned to Kansas last week to do more testing. During that time they captured multiple transport streams both at the DIRECTV LRF and at another point in the market. The streams were analyzed using two off-line software tools Sencore's CMA 1820, version 3.7.4 and a DIRECTV proprietary software tool (used to analyze DIRECTV's own streams as well). Both software tools are the most current versions available. Below please find a summary of their findings:

Sample stream was 1-min 37 seconds in duration

Program 1

Video PID 0x0030

Audio PID 0x0103

PID 0x0030

- Invalid PES stream ID
- PCR essentially missing
- PTS Discontinuity (2 errors)
- Continuity Counter errors (1,677 errors)
- Transport Buffer Overflow (180,104 errors)
- Transport Error (35 errors)

PID 0x0103

- Invalid PES stream ID
- PCR essentially missing
- PTS Discontinuity (2 errors)
- Continuity Counter errors (96 errors)
- Transport Buffer Overflow (23,673 errors)
- Transport Error (1 error)

Under the relevant ATSC standard for evaluating digital streams (ATSC Recommended Practice A/78a), KSQA's signal contains at the very least a QOS ("quality of service") level error, and is likely more accurately described as having POA ("program off air") status. In either case, KSQA appears not to be transmitting in accordance with the relevant ATSC standard, as required by 47 C.F.R. § 73.682(d).

More to the point, DIRECTV cannot decode KSQA's signal as currently composed. Indeed, the only way DIRECTV could even *analyze* KSQA's signal for testing purposes was to manually set the program clock reference value for the stream on its analyzers. Were DIRECTV to "carry" KSQA under such circumstances, its viewers would see only gibberish.

DIRECTV is happy to continue corresponding with you. That said, however, DIRECTV has incurred substantial expense in sending engineers back and forth to Kansas to repeatedly test KSQA's signals. Accordingly, DIRECTV will not engage in further testing absent new evidence that would lead a reasonable observer to believe that KSQA is capable of delivering a "good quality" signal to DIRECTV's receive facility, such that its viewers could actually watch KSQA's programming were it carried.

Please note again DIRECTV does not waive any other objections it may have to carriage of KSQA, including those with respect to licensing that I had raised in prior correspondence and to which you have not yet responded. Should you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Nilsson", written in a cursive style.

Michael Nilsson
Counsel to DIRECTV, LLC

ON
AIR

KSQA-TV12 TOPEKA

August 10, 2012

CERTIFIED MAIL:-Return Receipt Requested

Michael Nilsson
Wiltshire & Grannis LLP
1200 18th Street NW Suite 1200
Washington, D.C 20036

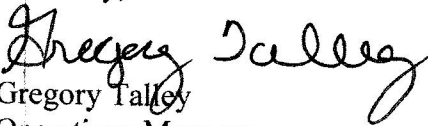
Dear Mr. Nilsson:

After some adjustments and subsequent monitoring over the past weeks, we believe that whatever technical issues Direct TV may have experienced with the KSQA TV signal have been resolved. This has been confirmed with other multichannel providers who have monitored the signal on a recurring basis.

You asked the status of licensing for the station. KSQA commenced broadcasting as a full power station construction permittee on September 29, 2011, pursuant to automatic program test authority. Thereafter, on November 29, 2011, the Commission granted the station a license as a full power broadcast station [File BLCDT-20110919ABN].

KSQA LLC requests that Direct TV commence carriage of the signal of KSQA TV.

Sincerely,



Gregory Talley
Operations Manager

Copy: James Winston Esq.



KSQA-TV12 TOPEKA

August 18, 2012

CERTIFIED MAIL:-Return Receipt Requested

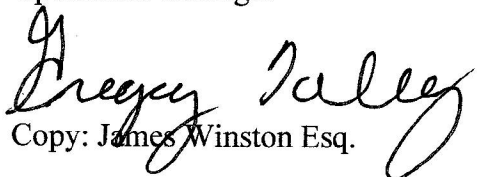
Michael Nilsson
Wiltshire & Grannis LLP
1200 8th Street NW Suite 1200
Washington, D.C 20036

Dear Mr. Nilsson:

This is a follow-up to my letter to you of August 10, 2012. Please note that on August 15, 2012, Dish Network commenced carriage of KSQA TV in the Topeka DMA. KSQA LLC again requests that Direct TV commence carriage of the signal of KSQA TV.

Sincerely,

Greg Talley
Operations Manager



Copy: James Winston Esq.



August 20, 2012

BY CERTIFIED AND ELECTRONIC MAIL

Mr. Gregory Talley
Operations Manager
KSQA-TV 12
800 SW Jackson Street, #1407
Topeka, KS 66612
greg@ksqa12.com

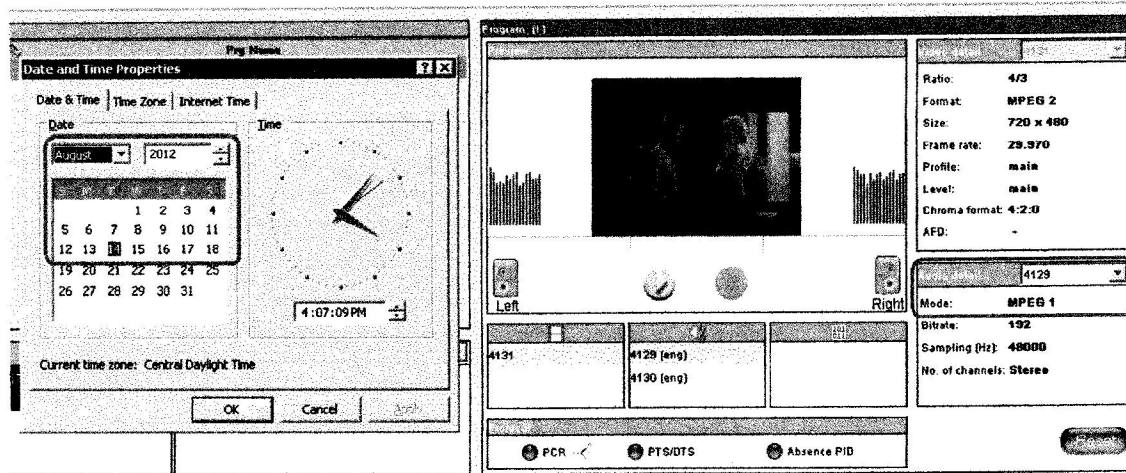
Re: KSQA-TV, Topeka KS

Dear Mr. Talley:

I have received your most recent letter, dated August 10, related to KSQA's request for mandatory carriage on DIRECTV's satellite system. In our prior correspondence, I have described numerous technical problems with KSQA's signal, including: (1) audio transmissions not in the ATSC Standard Digital Audio Compression (AC-3), as required by the Commission, 47 C.F.R. § 73.682(d), and (2) an additional carrier (or a "spike") in KSQA's spectrum, which prevented DIRECTV from decoding the signal at its local receive facility.

In response, you now state that you have made "some adjustments and monitoring," and that you "believe that whatever issues [we] have experienced with the KSQA TV signal have been resolved," and that "this has been confirmed" by other MVPDs. You do not, however, describe at all what "adjustments" have been made.

As a specific matter, it appears that KSQA is still not transmitting in AC-3. Below please find the results of our remote monitoring.



More generally, and as we indicated previously, DIRECTV has incurred substantial expense in flying engineers back and forth to Kansas to repeatedly test KSQA's signals. We indicated to you that DIRECTV will not engage in further testing absent new evidence that would lead a reasonable observer to believe that KSQA is capable of delivering a "good quality" signal to DIRECTV's receive facility, such that its viewers could actually watch KSQA's programming were it carried. We do not believe the Commission's rules require us to fly engineers to Kansas on nothing more than your statement that "some adjustments" have been made without knowing what those adjustments are—particularly when we already know that KSQA's signals are not compliant with respect to its audio feed.

I note that you have also provided a response with respect to licensing issues. Given the technical issues that still appear to remain, I will address those at a later date. At this point, DIRECTV does not waive any other objections it may have to carriage of KSQA, including those with respect to licensing. Should you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Nilsson', written in a cursive style.

Michael Nilsson
Counsel to DIRECTV, LLC