

July 19, 1985 or January 1, 1992.³ KSQA's Complaint also must be dismissed because it is time-barred under Section 76.61(a)(5) of the Commission's rules, 47 C.F.R. § 76.61(a)(5).

FACTS

The material facts in this case are undisputed. KSQA is licensed to broadcast a full-power television signal serving Topeka, Kansas.⁴ KSQA's broadcast frequency is RF Channel 12, and it is assigned PSIP Major Channel 22 (also known as the "virtual" channel) — *i.e.*, the channel on which over-the-air viewers should receive KSQA's signal as reflected in the Commission's records.⁵ KSQA is licensed to Topeka, Kansas and may be entitled to mandatory carriage on cable systems serving that market.⁶ By letters dated September 28, 2011; January 27, 2012; and March 10, 2012, KSQA elected and then demanded carriage on Channel 12 or another mutually agreeable channel on Cox's cable television systems serving the Topeka, Kansas Designated Market Area ("DMA").⁷ In subsequent communications between the parties, Cox declined KSQA's demand for carriage on Channel 12 because KSQA has no right under the Act or the Rules to carriage on that channel.⁸ The parties discussed various alternative channel positions, including KSQA's PSIP Major Channel 22, and Cox offered to carry the Station on Channel 10. KSQA declined Cox's offer, however, and the parties were unable to reach an agreement regarding channel positioning⁹ primarily due to KSQA's inflexible demand for carriage on Channel 12 (despite the FCC's rulings to the contrary).

³ See, e.g., Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules, *Declaratory Order*, 23 FCC Rcd 14254 at para. 16 (2008) ("2008 *Declaratory Order*"); 47 U.S.C. § 534(b)(6); 47 C.F.R. § 76.57(c)

⁴ See Complaint at 1.

⁵ See Exhibit I, attached hereto (CDBS Public Access, KSQA Station Search Details, http://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdbs/pubacc/prod/sta_det.pl?Facility_id=166546; Video Division, TV Query Results, KSQA, <http://transition.fcc.gov/fcc-bin/tvq?list=0&facid=166546>) (highlighting added); Complaint at 3.

⁶ 47 U.S.C. § 614(h)(1)(A).

⁷ Complaint at Exhibits 2-4.

⁸ Complaint at 2-3 and Exhibit 6. As KSQA knows, Cox already carries another local broadcaster (WIBW) on Channel 12. Therefore, adding KSQA on Channel 12 would disrupt Cox's current service to its Topeka customers.

⁹ Complaint at 3.

ARGUMENT

I. **THE COMMISSION'S RULES, ORDERS, AND PRECEDENTS CONFIRM THAT KSQA HAS NO RIGHT TO CARRIAGE ON CHANNEL 12.**

The Bureau should deny and dismiss the Complaint with prejudice because the only channel position KSQA may demand is Channel 22, its assigned PSIP Major Channel Number as reflected in the Commission's records.¹⁰ In claiming otherwise, the Station fundamentally misapprehends the Commission's repeated holding that "for channel positioning purposes, the over-the-air channel for a digital station is determined by reference to the major channel numbers carried in its PSIP."¹¹

KSQA's sole claim is that Cox's refusal to carry KSQA on Channel 12, the Station's RF Channel, violates the Act and the Commission's rules.¹² The Act, its legislative history, and more than a decade of Commission precedent, however, demonstrate that KSQA may demand carriage only on Channel 22, its PSIP Major Channel Number.

Congress designed the channel positioning requirements adopted in the 1992 Cable Act to "protect [the] system of television allocations and promote competition in local markets" by requiring cable operators to display each must-carry station on the cable channel that corresponds to the station's over-the-air channel or that reflects long-standing cable carriage of the station on a particular channel.¹³ The statutory channel position requirements, which were

¹⁰ See n.5, *supra*, and Exhibit 1.

¹¹ *ION Media Networks, Inc.*, 24 FCC Rcd 2461 para. 17 (Med. Bur. 2009) ("*ION Media*").

¹² KSQA falsely attacks Cox for purportedly attempting to evade its carriage obligations. Contrary to the Station's mischaracterizations, however, the facts and the Commission's rules, orders, and precedents demonstrate that neither the Act nor the Commission's rules require Cox to carry KSQA on its RF Channel as the Station claims. Prior to the Complaint's filing, Cox had done nothing more than assert and explain the governing law to the Station, which included directing KSQA to the exact portion of the relevant Commission order that unequivocally limited the Station's channel positioning rights to its PSIP Major Channel Number. Indeed, the only obstacle to carriage of KSQA on Cox's Topeka cable system was KSQA's apparent misunderstanding of the plain language of the Commission's 2008 *Declaratory Order* and its erroneous belief that the 2008 *Declaratory Order* expands KSQA's must-carry rights beyond what the Act and the Commission's rules permit.

¹³ *Must Carry and Retransmission Consent Requirements, Report and Order*, 8 FCC Rcd 2965, 2988 para. 91 (1993) (citing House Committee on Energy and Commerce, H.R. Rep. No. 862, 102d Cong., 2d Sess. (1992), reprinted at 138 Cong. Rec. 118308 (Sept. 14, 1992) at 75).

adopted before the transition to digital broadcasting are incorporated in Section 76.57(a) of the Commission's rules.¹⁴

In implementing the statutory requirements for digital television stations, the Commission recognized more than eleven years ago that a digital broadcaster eligible for mandatory carriage would be entitled to carriage on its PSIP Major Channel Number rather than its RF Channel.¹⁵ The Commission specifically found that digital "broadcast signals will be identified and tuned through the PSIP information process rather than by identification with the specific frequency on which the station is broadcasting."¹⁶ The Commission similarly recognized that the digital PSIP standard required the inclusion of channel identification information, and that digital television receivers would display each station on the channel identified in the PSIP rather than its digital RF Channel.¹⁷ Digital viewers, therefore, generally would be unaware of a station's RF Channel because digital broadcasters could only be seen "over-the-air" on their designated PSIP Channels. The Commission initially found no need to establish specific channel positioning requirements because requiring cable operators to pass-through the PSIP information would ensure that broadcasters receive on-channel carriage consistent with Section 614(b)(6) of the Act.¹⁸

¹⁴ 47 C.F.R. §76.57(a). Section 614(b)(6) of the Act requires a cable operator to retransmit each local commercial television station carried pursuant to the mandatory carriage provisions "on the cable system channel number on which the local commercial television station is broadcast over the air, or on the channel in which it was carried on July 19, 1985, or on the channel on which it was carried on January 1, 1992, at the election of the station, or on such other channel number as is mutually agreed upon by the station and the cable operator." 47 U.S.C. §534(b)(6). Neither of the "historical" channel positioning options is available to KSQA because it did not commence broadcasting until 2011. Complaint at 1.

¹⁵ Carriage of Digital Television Broadcast Signals, *First Report and Order and Further Notice of Proposed Rulemaking*, 16 FCC Red 2598 (2001) ("*First DTV Must-Carry Order*").

¹⁶ *Id.* at para. 83. In fact, the broadcast industry (MSTV and NAB) specifically requested "the Commission to rely on the ATSC PSIP standard" for channel positioning purposes. *Id.* at para. 82 (footnote omitted).

¹⁷ *Id.* at para. 83. The Commission incorporated the ATSC broadcast standard into its rules in 1996. See *Advanced Television Systems, Fourth Report and Order*, 11 FCC Red 17771, Appendix A (1996); 47 C.F.R. § 73.682(d). Subsequent updates to the ATSC standard also have been incorporated into the rules.

¹⁸ *First DTV Must-Carry Order*, 16 FCC Red 2598 at para. 83.

Three years later, in the *Second DTV Periodic Review*, the Commission further elucidated the channel positioning rights of digital broadcasters eligible for mandatory carriage by incorporating the ATSC PSIP standard into the Commission's rules.¹⁹ The Commission understood that the PSIP standard generally required digital broadcasters to insert their assigned NTSC channel as the PSIP Major Channel Number to which digital television receivers would tune.²⁰ This system was designed to "provide viewers with a uniform methodology" to access digital broadcasts, to avoid "conflict with duplicative numbers in a market," and to allow the maintenance of broadcasters' "local brand identification" after the transition to digital broadcasting.²¹

As the transition to digital broadcasting approached in 2008, the Commission reiterated that for purposes of mandatory carriage under Section 614(b)(6) of the Act, a digital station's "over-the-air" channel would be determined by its PSIP Major Channel Number rather than its RF Channel.²² Contrary to KSQA's claims, therefore, the Act and the Commission's rules preclude a digital mandatory carriage station from demanding carriage on its RF Channel. The Commission's determination that "[i]n digital broadcasting, a broadcast station's channel number is no longer identified by reference to its over-the-air frequency"²³ could not have been clearer or more explicit. The Commission went on to confirm that after the transition to digital broadcasting, a must-carry station's channel positioning rights would include (1) its "major channel position as broadcast in the station's PSIP;" or (2) one of the statutory "historic" channel position options; namely, the channel on which the station was carried on July 19, 1992 or January 1, 1985.²⁴

¹⁹ *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital television, Report and Order*, 19 FCC Rcd 18279 at paras. 152-153 (2004).

²⁰ *Id.* at para. 153.

²¹ *See id.*

²² *2008 Declaratory Order*, 23 FCC Rcd 14254 at paras. 14-16.

²³ *Id.* at para. 15.

²⁴ *Id.* at para. 16. Contrary to KSQA's fundamental misunderstanding, therefore, "historic" carriage in no way refers to a station's RF Channel. *See Complaint* at 5-6. As noted above,

(continued ...)

The Commission's adjudications involving channel positioning disputes uniformly confirm the principle that the statutory right to carriage on a station's "over-the-air" channel is nothing more than the right to be carried on the station's assigned PSIP Major Channel Number. In *ION Media*, for example, the Commission held that "for channel positioning purposes, the over-the-air channel for a digital station is determined by reference to the major channel numbers carried in its PSIP."²⁵ In *Channel 20 TV Co.*, the Commission similarly explained at length the complaining broadcaster's right to carriage on its PSIP Major Channel Number 3, and ordered carriage "on Channel 3, the station's over-the-air channel number."²⁶

Given these unambiguous precedents, KSQA's complaint is baseless and must be denied. KSQA admits that its PSIP Channel is 22 and its RF Channel is 12. Under the framework the Commission established in the *First DTV Must-Carry Order*, clarified in the *2008 Declaratory Order*, and uniformly enforced in cases such as *ION Media* and *Channel 20 TV Co.*, KSQA indisputably is precluded from demanding carriage on its RF Channel (*i.e.*, Channel 12). KSQA simply is wrong in claiming that the *2008 Declaratory Order* preserved broadcasters' right to carriage on their RF Channels by referring to the "historic" carriage options under the statute.²⁷ Read in context, the Commission's reference to "historic" carriage options plainly applies only to the channel on which a broadcaster historically was carried in 1985 or 1992; it is entirely unrelated to a station's RF Channel as KSQA claims. The Act and the Commission's Orders therefore provide no basis for KSQA's claim. Cox agrees with KSQA that "there is no ambiguity in the Commission's language;" it unambiguously forecloses KSQA's position and requires denial of the Complaint.²⁸

(... continued)

KSQA is ineligible for a "historic" channel position because it was not broadcasting in either 1985 or 1992.

²⁵ *ION Media*, 24 FCC Rcd 2461 at para. 17 (emphasis added).

²⁶ See *Channel 20 TV Co.*, 25 FCC Rcd 2219 at paras. 3-4 & n.12, 16 (Med. Bur. 2010) ("*Channel 20 TV Co.*").

²⁷ Complaint at 5.

²⁸ KSQA's claim that Cox sought to mislead KSQA by explaining Cox's obligations under the Act and rejecting KSQA's demand for carriage on Channel 12 is meritless and irresponsible. *Id.* at 5-6. As the exhibits to the Complaint confirm, Cox did nothing more than provide an

(continued ...)

For these reasons, the Bureau should confirm that KSQA is not entitled to carriage on its RF Channel and deny the Complaint forthwith.

II. THE COMPLAINT IS UNTIMELY FILED AND MUST BE DISMISSED.

Apart from the Complaint's substantive deficiencies demonstrated above, the Bureau must dismiss KSQA's Complaint because it is untimely filed in violation of Section 76.61(a)(5) of the Commission's rules, 47 C.F.R. § 76.61(a)(5).

Section 76.61(a)(5) requires that must-carry complaints be filed within sixty (60) days of either (i) a cable operator's written denial of a written must-carry demand, or (ii) a cable operator's failure to respond in writing within thirty (30) days of that demand.²⁹ To be timely, therefore, a mandatory carriage complaint must be filed no more than ninety (90) days after a cable operator receives a written carriage demand (and possibly sooner if the cable operator provides a written denial of carriage in less than thirty (30) days after receiving the carriage demand). The rules also require KSQA to establish that the Complaint is filed within the sixty (60) day window established by Section 76.51(a)(5).³⁰ The Complaint fails both of these procedural requirements because KSQA filed it more than ninety (90) days after its carriage demand and because KSQA makes no effort to explain how the Complaint could be considered timely filed.

The Commission has consistently and repeatedly enforced Section 76.51(a)(5) by dismissing untimely filed complaints such as KSQA's.³¹ For example, in *Friendly Bible Church*, the Commission denied the broadcaster's Application for Review and explained that:

(. . . continued)

honest and accurate account of the Commission's rules and orders in an effort to promote rational, good-faith negotiations for carriage of KSQA on a mutually agreeable channel. KSQA's accusation that Cox altered the meaning of the Commission's orders by abridging quotations from the 2008 Declaratory Order is based entirely on KSQA's own fundamental misunderstanding of that Order and the Commission's rules and policies. Had KSQA investigated the requirements of the Commission's rules, this entire dispute would have been avoided.

²⁹ 47 C.F.R. §76.51(a)(5).

³⁰ *Id.* at §76.51(a)(3)(ii).

³¹ See, e.g., *Sage Broadcasting Corp. v. Brownwood Cable Television Services, Inc.*, 17 FCC Red 10567 at para. 5 (citing *Friendly Bible Church, Inc. v. Viacom Cable*, 9 FCC Red 7907

(continued . . .)

adoption of a time limit for must-carry complaints appropriately balanced the interests of broadcast stations in asserting their carriage rights with the interests of cable systems in having certainty in their channel and carriage obligations to broadcasters, together with the interests of subscribers in having minimal viewing disruption and certainty of service. The Commission added that if within thirty days of the broadcaster's initial request for carriage or for channel position, the cable operator either denied it or did not respond to it, the broadcaster then had only sixty days to file a complaint with the Commission.³²

In this case, KSQA sent three letters to Cox seeking carriage on Channel 12 (dated September 28, 2011; January 27, 2012; and March 10, 2012, respectively).³³ The September 28, 2012 letter elected mandatory carriage on Channel 12. The two subsequent letters reiterate the September 28, 2012 carriage election (without mentioning Channel 12), demand carriage, and state that Cox has been in violation of the must-carry rules since December 29, 2011. Cox received the January 27, 2012 letter on February 1, 2012.³⁴ KSQA admits that Cox did not provide a written response within thirty (30) days of receiving that letter. Based on the January 27 demand letter, therefore, the sixty (60) day period allowed under Section 76.61(a)(5) of the rules for filing a complaint commenced on March 2, 2012, and expired on May 1, 2012. The Complaint fails to satisfy the Commission's rules by more than a month, and must be dismissed.

Even assuming for the sake of argument that the relevant deadline should be calculated based on KSQA's March 10, 2012 demand letter, the time period for filing a complaint expired no later than June 11, 2012. Although KSQA failed to provide proof of delivery of the March 10, 2012 letter to Cox, the attached Exhibit 2 confirms that Cox received it March 13, 2012. Again, Cox did not provide a written response within thirty (30) days, so the sixty (60) day filing window began on April 12, 2012 and expired on June 11, 2012. The Complaint, however, was

(... continued)

(Cab. Serv. Bur. 1994), *application for review denied*, 11 FCC Rcd 17115; *Community Television, Inc. v. InterMedia Partners, L.P. and Robins Media Group, Inc.*, 14 FCC Rcd 2063 (Cab. Serv. Bur. 1999).

³² *Sage Broadcasting*, 17 FCC Rcd 10567 at para. 5; *see also Community Television, Inc.*, 14 FCC Rcd 2063 at para. 8; *Friendly Bible Church*, 11 FCC Rcd 17115 at para. 6.

³³ Complaint at 2 and Exhibits 2-4.

³⁴ *Id.* at Ex. 3.

not filed until June 13, 2012, which indisputably fails to comply with and therefore is barred by Section 76.51(a)(5) of the Commission's rules.

In addition, and contrary to the Commission's rules, KSQA makes no attempt to establish how the Complaint was filed consistent with Section 76.51(a)(5).³⁵ Indeed, given the evidence, no such explanation would be plausible. In light of KSQA's multiple procedural defaults, the Complaint must be dismissed.

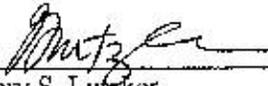
CONCLUSION

For the foregoing reasons, the Bureau should deny or dismiss the Complaint with prejudice.

Respectfully submitted,

COXCOM, INC. D/B/A COX
COMMUNICATIONS KANSAS, LLC

By:



Gary S. Lutzker
Jason E. Rademacher

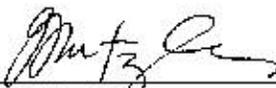
Its Attorneys

DOW LOHNES PLLC
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 776-2000

July 12, 2012

VERIFICATION

To the best of my knowledge, information and belief formed after reasonable inquiry, the foregoing Opposition and Motion to Dismiss is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and it is not interposed for any improper purpose.



Gary S. Lutzker

July 12, 2012

³⁵ 47 C.F.R. § 76.51(a)(3)(iii).

CERTIFICATE OF SERVICE

I, Sandra Dallas Jeter, hereby certify that a true and correct copy of the foregoing Opposition and Motion to Dismiss was sent by first class U.S. mail, postage prepaid, except where hand-delivery is indicated, on this twelfth day of July 2012 to the following:

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Rubin, Winston, Diercks, Harris &
Cooke, L.L.P.
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City Manager
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Topeka, KS 66603-3914

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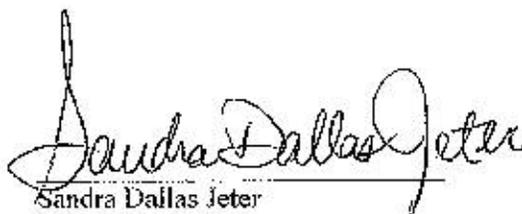
KTWU
General Manager
1700 College
Topeka, KS 66621-1100

WIBW
General Manager
631 SW Commerce Place
Topeka, KS 66615

KSNT
General Manager
6835 NW Highway 24
Topeka, KS 66618

KTKA
General Manager
6835 NW Highway 24
Topeka, KS 66618

KTMJ-CA
General Manager
6835 NW Highway 24
Topeka, KS 66618


Sandra Dallas Jeter

*By Hand

EXHIBIT 1


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Station Search Details

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Station Search Details

Call Sign: KSQA
Facility Id: 166546
Community of License: TOPEKA, KS
Service: DT
Fac Type: COMMERCIAL DIGITAL TV
Status: LICENSED
Status Date: 11/29/2011
Frequency: 204
Channel: 12
Virtual Channel: 22
Digital Status:
Lic Expir: 06/01/2014
NTSC TSID:
DTV TSID:
Licensee: KSQA, LLC
Address: 7306 S. CONSTANCE
Address 2:
City: CHICAGO
State: IL
Zip Code: 60649 -
Phone Number: (773) 324-7990
Engineering Data [View Engineering Data](#)
Call Sign History [View Call Sign History](#)
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[AM Query](#)

[FM Query](#)

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TV Query results are derived from the public files at <http://transition.fcc.gov/mb/databases/cdbs>. Requests to correct data should be referred to Hossein Hashemzadeh, hossein.hashemzadeh@fcc.gov. Comments on the TV Query may be referred to Dale Bickel, dale.bickel@fcc.gov.

Wed Jul 11 11:37:14 2012 Eastern time

Search Parameters

Facility ID No.: 166546
 Lower Channel: 2
 Upper Channel: 69

[Next Record](#)

KSQA KB TOPEKA USA Digital

Licensee: KSQA, LLC
 Service Designation: DT Digital television station
 Transmit Channel: 12 204 - 210 MHz Licensed
 Virtus Channel: 22 (viewer sees this channel number)

Network affiliation: -

File No.: BICMT-20110919ASN Facility ID number: 166546
 USFS Application ID No.: 1444107

39° 02' 56.00" N latitude
 95° 40' 37.00" W longitude (NAD 83)

Polarization: Horizontal (H)

Effective Radiated Power (ERP): 4.2 kW ERP
 Antenna Height Above Average Terrain: 65.9 meters MSL -- [Calculate MSL](#)
 Antenna Height Above Mean Sea Level: 364.2 meters AMSL
 Antenna Height Above Ground Level: 77.7 meters AGL

TV Zone: 2
 Frequency Offset:

Non Directional Antenna FD No.: 93715 Pattern Rotation: 0.00
 Antenna Make: PSI Antenna Model: PS-DVLP201-12

Additional Individual Tower Information from the Antenna Structure Registration database.
 (Use the Registration Number link for detailed information.)

ASRN	Site Elevation (meters)	Overall Height Above Ground (meters)	Overall Height Above Mean Sea Level (meters)	2008 ASRN Tower Coordinates			Convert to NAD 83
				Latitude	Longitude	to UTM	
1831482	286.5	65.3	371.8	N 39° 2'	W 95° 10'	13.0"	To UTM

FSA: FSA Study No. [1996-NCE-0624-DE](#) [Obtain a copy of this document. Please use search](#)

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[Application List](#) [CDBS Search Page](#) [Ownership Info](#) [ERG](#) [Call Sign Changes](#)
[Correspondence for KSQA](#) [Correspondence for application BICMT-20110919ASN](#)

Map: [Service Contour on Google map \(KML file\)](#) [KML file \(36 dBu\)](#) or [Trk file \(36 dBu\)](#) for KML-capable browsers
[JPG topographic map for KSQA's transmitter site \(MCRMap\)](#)

GIS: [Related Facilities to USFS](#)
[ASRN's within 0.5 km radius](#)

[First Record](#)

*** 1 Records Retrieved ***

Related Nonbroadcast Facilities: ULS Search

Using a broadcast station's facility ID number, you may search in the WTB's ULS database for nonbroadcast station records that are related to radio and TV broadcast stations, such as microwave facilities. Use the [ULS Radio Services List](#) to determine the nonbroadcast station's service. Not every AM, FM, or TV broadcast station will have related nonbroadcast operations.

 Facility ID Number

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EXHIBIT 2



KSQA-TV 12 TOPEKA

March 10, 2012

CERTIFIED MAIL-Return Receipt Requested

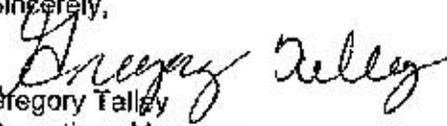
Systems Manager
Cox Cable Communications Inc
901 George Washington Blvd
Wichita, Ks 67211

Re: Notice of Election to Exercise Must Carry Rights:

On September 28, 2011, KSQA L.L.C., then construction permittee of a full power television station KSQA, Channel 12, Topeka, Kansas, in the Topeka Nielsen DMA, provided you with notice that it had elected to assert its MUST CARRY rights, pursuant to Section 76.66 of the Rules and Regulations of the Federal Communications Commission [FCC]. Under FCC rules, carriage was required to be implemented on or before December 29, 2011. No response to the request was received. On January 27, 2012, KSQA LLC, licensee of KSQA provided you with a second notice and again re-asserted its rights for carriage. To date, no response confirming your intent for carriage has been received. Additionally, telephone messages seeking a response to the carriage requests have not been returned.

We request that you notify us in writing within the next ten days confirming that the system will commence carriage of the signal of KSQA within the next thirty days. Alternatively and regrettably, we will be compelled to file a complaint with the FCC. We ask that you cease ignoring and instead voluntarily comply with the FCC Rules and Regulations.

Sincerely,


Gregory Talley
Operations Manager

800 SW Jackson Street #1407 • Topeka, KS 66612
785.379.0012

LSQA
800 SW Jackson St #1407
Topeka, KS 66612

PLEASE FOLD AT COULDS
CERTIFIED MAIL



7005 0390 0000 92



**RETURN RECEIPT
REQUESTED**

PA?
LISA

67211+3901

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
Complaint of KSQA, L.L.C.)
For Carriage of Television Station) MB Docket No. 12-168
KSQA(TV), Topeka, Kansas) CSR-8659-M

To: Chief, Media Bureau

DECLARATION OF JAY ALLBAUGH

1. My name is Jay Allbaugh and I am Vice President, Field Government and Public Affairs for CoxCom, Inc. d/b/a Cox Communications Kansas ("Cox"), which operates cable systems in the Topeka, Kansas Designated Market Area.
2. I have read the foregoing "Opposition and Motion to Dismiss" (the "Opposition") and I am familiar with the contents thereof.
3. The facts contained herein and within the foregoing Opposition are true and correct to the best of my knowledge, information, and belief formed after reasonable inquiry. The Opposition is well grounded in fact and warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law, and is not interposed for any improper purpose.
4. I declare under penalty of perjury that the foregoing is true and correct



Jay Allbaugh
Vice President
Field Government and Public Affairs
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LLC
901 S. George Washington Blvd.
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Tel: (316) 262-4270

Executed on: July 2, 2012