

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

In Re Application Of )  
 )  
**JOURNAL BROADCAST CORPORATION** )  
Palm Springs, California )  
 )  
For Construction Permit for New Digital )  
Low Power Television Station on Channel 40 )  
 )

File No. BNPDTL-20100519AEB  
Facility ID No. 187314

To: Office of the Secretary  
Attn: Video Division, Media Bureau

FILED/ACCEPTED

SEP - 6 2011

Federal Communications Commission  
Office of the Secretary

MOTION TO DISMISS

Entravision Holdings, LLC ("Entravision"), the licensee of Class A Television Station KVER-CA, Indio, California, by its attorneys, hereby submits this Motion to Dismiss the above-referenced application for a new LPTV station on Channel 40 in File No. BNPDTL-20100519AEB (the "Application"), filed by Journal Broadcasting Corporation ("Journal"). Journal's Application, which remains unamended and for output Channel 40, despite a specific direction from the Commission to amend in order to avoid impermissible interference to another pending and preferential application, violates Commission requirements and must therefore be dismissed. In support thereof, Entravision states as follows.

On August 2, 2011, the Deputy Chief of the Commission's Video Division sent a 30-day letter, a copy of which is attached hereto as Exhibit A, to Journal directing that Journal, should it wish to continue to pursue its application, amend the Application so as to remove potential impermissible interference (the "Bureau Letter"). The Commission noted that the Application was predicted to cause interference to Entravision's

preferential displacement application, in File No. BDISDTA-20100922ABX.

Consequently, the Bureau letter was specific in directing Journal to amend its Application so as to no longer "cause interference" to the KVER-CA application or face dismissal of the Application.

Journal took advantage of the entire 30-day period in which to consider what action to undertake. In an amendment submitted on the last day of the 30-day period, Journal failed to take any action that would result in the predicted interference to KVER-CA being removed. Rather, Journal maintained Channel 40 as its proposed output Channel and urged the Commission, in Exhibit 2 to the Application, to withhold action on the Application until the Commission renders a decision as to whether KVER-CA's application on Channel 40 should be granted.

Journal fails to recognize that it had no entitlement to flout a specific direction from the Commission to take an action. Section 73.3566 of the Commission's Rules provides that if an applicant is requested to take an action in connection with its application, such a failure to comply "will be deemed to render the application defective, and such application will be dismissed." This result is consistent with the Bureau Letter that informed Journal that its failure to amend the Application as requested will result in the Application being **"CONSIDERED INCOMPLETE AND SUBSEQUENTLY DISMISSED."**

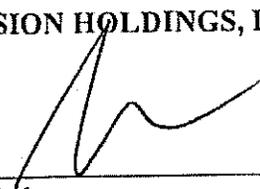
Having failed to abide by the specific direction contained in the Bureau Letter, and utilizing an amendment to argue for interlocutory relief, Journal has jeopardized its standing as an applicant. The Commission's only recourse is to follow through on the

result specified in the Commission Letter and as provided for in Section 73.3566. The Journal Application must be dismissed forthwith.

WHEREFORE, Entravision Holdings, LLC respectfully requests that the Commission dismiss the Application for a new digital LPTV Station on Channel 40 at Palm Springs, California filed by Journal Broadcast Corporation.

Respectfully submitted,

**ENTRAVISION HOLDINGS, LLC**

By: 

Barry A. Friedman  
Thompson Hine LLP  
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Washington, D.C. 20036  
(202) 331-8800

Dated: September 6, 2011

**EXHIBIT A**



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554

August 2, 2011

JOURNAL BROADCAST CORPORATION  
3355 SOUTH VALLEY VIEW BOULEVARD  
LAS VEGAS, NV 89102

1800E1-SEA

In re: Low Power Television Application of:  
JOURNAL BROADCAST CORPORATION  
Channel 40, Palm Springs, CA  
File number: BNPDTL-20100519AEB  
Facility Id No.: 187314

Dear Applicant:

We are currently processing your above-referenced application. Our preliminary engineering review reveals that your proposed facility does not comply with the Commission's interference rules. Specifically, the proposal is predicted to cause interference to KVER-CA, BDISDTA-20100922ABX, Channel 40, Indio, CA.

You are required to electronically amend your application to resolve these specified problems within (30) days of the date of this letter. If not so amended electronically, your application will be **CONSIDERED INCOMPLETE AND SUBSEQUENTLY DISMISSED.**

Sincerely

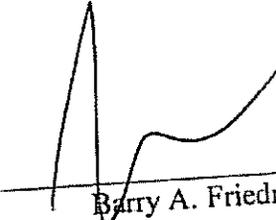
Hossein Hashemzadeh  
Deputy Chief  
Video Division  
Media Bureau

CERTIFICATE OF SERVICE

I, Barry A. Friedman, hereby certify that I have served on this 6th day of September, 2011, a copy of the foregoing **MOTION TO DISMISS** on the following parties by first-class mail, postage pre-paid:

John Bagwell, Esq.  
Lerman Senter PLLC  
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Washington, D.C. 20006

Mr. Hossein Hashemzadeh\*  
Video Division  
Media Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
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Barry A. Friedman

\*By Hand