

**Mark Silberman**  
**c/o MS Communications, LLC**  
**9911 W. Pico Blvd., 8<sup>th</sup> Floor**  
**Los Angeles, CA 90035**  
**310-552-7970**

March 23, 2005

Secretary  
Federal Communications Commission  
Washington, DC 20554

RE: Petition to remove LPTV application BNPTTL-20000831BZA from  
Auction 81, Group MX242

Ladies and Gentlemen:

As explained in the attached "Engineering Statement" the subject application was amended during the August 2001 settlement window to clear the conflicts with the other applications in this group.

I believe it is not necessary for my application to be in the auction as there is neither an incoming or outgoing conflict.

Please reclassify my application as a "singleton".

Respectfully submitted

s/s Mark Silberman  
Applicant

**ENGINEERING STATEMENT IN SUPPORT OF THE  
PETITION OF MARK SILBERMAN TO BE REMOVED  
FROM AUCTION 81, GROUP MX242**

Introduction

Application BNPTTL-20000831BZA has been included in MX242 in spite of the unilateral engineering changes filed in a settlement window to clear the conflicts with the other applications in this group.

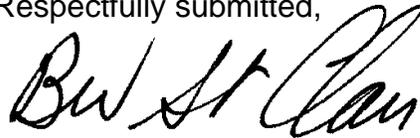
Interference:

The application was amended to change the offset and the application contains a statement added in the August 2001 settlement window to the effect that the applicant will accept interference from the other applicants in this group. This statement appears when this application is viewed on CDBS. See paragraph #4, Conclusion.

Discussion

The applicant by unilateral changes and additions to the application during a settlement window has cleared both outgoing and incoming conflicts. Thus it should not be in an auction with the other applicants in MX242.

Respectfully submitted,



B. W. St. Clair  
Engineering Consultant  
March 23, 2005

**Exhibit 1****Description:** SECTION III, EXHIBIT 6, M584

IT IS UNDERSTOOD THAT BY CHANGING THE OFFSET OF THIS APPLICATION FROM NO OFFSET TO PLUS OFFSET, INTERFERENCE CAUSED TO THE ONE MUTUALLY EXCLUSIVE APPLICATION IN GROUP M584 IS REDUCED TO A LEVEL THAT WILL ALLOW BOTH PARTIES TO EXPRESS A WILLINGNESS TO ACCEPT THE INCOMING INTERFERENCE. IN THE EVENT INTERFERENCE WERE TO BE SHOWN INCOMING TO THE APPLICANT, IT IS ACCEPTABLE TO THE APPLICANT. THUS, THIS APPLICATION IS NO LONGER MUTUALLY EXCLUSIVE WITH ANY OTHER IN ITS AUCTION GROUP. ACCORDINGLY, IT IS REQUESTED THAT IT BE REMOVED FROM THE GROUP AND ALLOWED TO PROCEED FORTHWITH TO THE PERMITTING PROCESS.