

**Troy Tumm**  
**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-  
20000831AGD from Auction 81, Group MX246

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 Troy Tumm  
Applicant

**ENGINEERING STATEMENT IN SUPPORT OF THE  
PETITION OF TROY TUMM  
TO BE REMOVED  
FROM AUCTION 81, GROUP MX246**

Introduction

Application BNPTTL-20000831AGD has been included in MX246 in spite of the unilateral engineering changes filed in a settlement window to clear the conflicts with the other applications in this group.

Outgoing Interference

Outgoing interference was analyzed and was determined to be of no significance. A copy of the page with this statement as it appears in CDBS is attached See paragraph #2, Discussion.

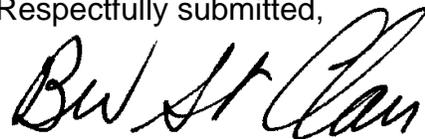
Incoming Interference:

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 MX246.

Respectfully submitted,



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

**Exhibit 1****Description:** SECTION III, EXHIBIT 6, M583

THIS APPLICATION MODIFICATION PROVIDES AN EXHIBIT CONTAINING ADDITIONAL INTERFERENCE STUDY INFORMATION RESPONSIVE TO QUESTION 13 IN THE TECH SECTION IN ORDER TO ALLOW IT TO BE REMOVED FROM AUCTION GROUP M575, AUCTION 81 AND TREATED AS A 'SINGLETON' APPLICATION.

---

**Attachment 1**

---

**Exhibit 6****Description:** ENGINEERING EXHIBIT - INTERFERENCE ANALYSIS

ENGINEERING EXHIBIT - INTERFERENCE ANALYSIS  
IN RE: APPLICATION FOR LOW POWER TELEVISION BROADCAST STATION LICENSE,  
AUGUST, 2000 WINDOW  
AUCTION NUMBER 81, ENGINEERING SOLUTION TO SEPARATE THIS APPLICATION  
FROM MUTUALLY EXCLUSIVE GROUP

## 1. INTRODUCTION

GROUP: M583

APPLICANT:

M583 TX 57 COMSTOCK            TROY TUMM            BNPTTL20000831AGD

CONFLICTING APPLICATIONS HAVING ONE OR MORE OVERLAPPING  
PROTECTED/INTERFERING CONTOURS PER PUBLIC NOTICE DA-0129:  
M583 TX 58 COMSTOCK            AVELINO MOREIA & CATHY M BNPTTL20000831AIK

## 2. DISCUSSION

ALTHOUGH THERE ARE ONE OR MORE OVERLAPPING PROTECTED V. INTERFERING  
CONTOURS BETWEEN THIS APPLICATION AND OTHER APPLICATIONS AS SHOWN  
BELOW, ALL WERE SUBJECTED TO AN ANALYSIS OF POTENTIAL INTERFERENCE  
WHICH INCLUDES A LONGLEY-RICE STUDY IN ACCORDANCE WITH OET BULLETIN 69  
OF THE ACTUAL PREDICTED INTERFERENCE, INCOMING AND OUTGOING, BETWEEN  
THIS APPLICATION AND THE IDENTIFIED CONFLICTING APPLICATIONS WITHIN THE  
SAME AUCTION GROUP. THE FINDINGS ARE SHOWN BELOW.

## 3. ANALYSIS

INTERFERENCE CAUSED BY THE APPLICANT'S PROPOSED FACILITY TO  
M583 TX 58 COMSTOCK            AVELINO MOREIA & CATHY M BNPTTL20000831AIK  
...NONE.

INTERFERENCE CAUSED BY THE FOLLOWING APPLICATIONS TO THE APPLICANT'S  
PROPOSED FACILITY IS SHOWN FOLLOWING:

M583 TX 58 COMSTOCK            AVELINO MOREIA & CATHY M BNPTTL20000831AIK  
...NONE.

IF APPLICABLE, THE LONGLEY-RICE STUDY PRINTOUT IS SHOWN IN ITEM #5 BELOW.

## 4. CONCLUSION

NO INTERFERENCE OR INTERFERENCE TO ZERO PERSONS PER OET BULLETIN 69 IS  
CAUSED TO THE APPLICANT'S PROPOSAL OR THE OTHER PROPOSALS SHOWN ABOVE

WHEN THE LONGLEY-RICE STUDY IS USED AS PART OF THE APPLICATION. IN THE EVENT INTERFERENCE WERE TO BE SHOWN INCOMING TO THE APPLICANT, IT IS BELIEVED TO BE INSIGNIFICANT AND 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.