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KGCS-TV, the low-power television station licensed to the Board of Governors at Missouri Southern State University in Joplin, Missouri would like to file comments regarding the proposals being considered for the upgrade program.

We have reviewed your Public Meeting Notice, and feel that these items under "Matters to be Considered" need to be considered:

1. SECTION 1 – STATION ELIGIBILITY

- a. We feel that stations should be licensed by the FCC, and those that have flash cut to digital should be included. KGCS recently moved from UHF channel 57 to UHF channel 22, due to the fact that 57 was out of the protective core established by the Federal Communications Commission. We were able to obtain funds for the transmitter and antenna through a local private foundation. Due to the high costs involved, when making the channel move, we decided to also flash cut to digital. Thus, our digital transmitter upgrade has been completed. We feel that the program should reimburse stations like ours that are being forced to change channels and that have elected to make the digital transition.
- b. More importantly, we believe that governmental subsidiaries should be considered a nonprofit corporation, qualifying for "priority reimbursement."

In our case, Missouri Southern State University is an institution of higher education of the State of Missouri which qualifies for tax-exempt status under 501(c)(3) through Section 115 of the Internal Revenue Code. The university is governed by the Board of Governors, appointed by the Governor of the State of Missouri, and organized under the laws of the State of Missouri.

Since state universities operate as nonprofit organizations and are seen as tax-exempt, we feel that such status should qualify as a nonprofit corporation. The limited funding available and the fact that the organization does not make a profit make it even

more important for federal funds such as with your program to assist with the costs of the digital upgrade to allow us to continue serving the community.

## 2. SECTION 2 – ELIGIBLE COMMUNITIES

- a. We feel that the determination of serving “eligible rural communities” should extend beyond the city of license. Although a station may be licensed to a larger city, the area served with the broadcast signal reaches a majority of people living in rural areas outside the city. A low-power broadcast station is able to reach viewers not otherwise served through television services such as cable or satellite TV, providing a vital service to the region.

In the case of KGCS-TV, our community of license, Joplin, Missouri has a population in excess of 20,000; however, every other community within our broadcast range is under that benchmark, with most communities under a population of 10,000. KGCS reaches throughout a ten-county area of Southwest Missouri, Southeast Kansas and Northeast Oklahoma, the majority being rural areas. The total number of potential households reached by our station is over 187,000. Consideration needs to be given to stations such as ours that are licensed to a larger city but have a strong impact and service to rural areas.

## 3. SECTION 3 – REIMBURSEMENT

- a. We believe that stations that have already made the move to a digital broadcast signal should be eligible for reimbursement. The reimbursement should be effective for expenses incurred since the date of enactment of the Act, February 8, 2006.

As stated earlier, KGCS was required to move to a new channel due to the auction and impending loss of channel 57. Due to the timing of the FCC auction and uncertainty about the future of the station, KGCS made the move to insure that broadcast operations would continue. We believe that other low-power stations may also fall into this situation of having a frequency that was not protected. Stations that were able to fund the

broadcast changes and digital upgrade should be reimbursed for their expenses, just as those that will make the move in the future.

#### 4. SECTION 4 – PRIORITY REIMBURSEMENT

- a. We believe that stations that qualify as nonprofits and serving rural areas as described in our presentations above should be given priority for funding. This would serve the definition of “eligible low-power television stations” which includes those licensed to governmental subsidiaries and those whose majority of coverage area serves rural areas of fewer than 10,000 viewers.

#### 5. SECTION 5 – ELIGIBLE EQUIPMENT AND COSTS

- a. The definition of equipment to “upgrade low-power television stations from analog to digital” should at a minimum include the transmitting equipment – the transmitter, antenna, coax line and microwave equipment. Expanding the definition to include master control and production broadcast equipment will provide for a truer service of digital television.

#### 6. SECTION 6 – APPLICATION SELECTION

Due to the likelihood that many low-power television stations will be seeking funding to help with the analog-to-digital transition, we believe that a fair system of selecting applications for funding is vital. The proposal to provide uniform grants will best serve all eligible facilities. Priority considerations should be taken into account for reimbursement, based on the items previously stated in this letter.