

**Federal Communications Commission**

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**Date Received: Jul 7 2006**

**Docket: 03-15**

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*updated 12/11/03*

July 7, 2006

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VIA ECFS

Marlene H. Dortch, Esq., Secretary  
Federal Communications Commission  
236 Massachusetts Ave., NE, Suite 110  
Washington, DC 20002  
*Attention: Video Division, Media Bureau*

Re: **MB Docket No. 03-15**  
KVRR-DT, Fargo, ND, Facility ID No. 55372  
*Request for Waiver of the July 7, 2006 Maximization Deadline*

Dear Ms. Dortch:

Red River Broadcast Co., LLC ("Red River"), the licensee of analog television station KVRR-TV, Channel 15, Fargo, North Dakota, Facility ID No. 55372, and the permittee of digital television ("DTV") station KVRR-DT, Channel 19, Fargo, North Dakota, by its attorneys, hereby submits this Request for Waiver ("Request") of the July 7, 2006 maximization deadline.<sup>1</sup> Specifically, Red River requests a six-month waiver of the maximization deadline due to reasons beyond its control.

The Commission generally requires that DTV stations comply with a July 7, 2006 "use-it-or-lose-it" deadline for replicating or maximizing their digital signals unless otherwise specified by the Commission or a request for waiver is filed.<sup>2</sup> DTV stations failing to meet that deadline face potential loss of interference protection in the future.<sup>3</sup> Absent a grant of this Request, the July 7, 2006 maximization deadline would be applicable to KVRR-DT.

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<sup>1</sup> *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, MB Docket No. 03-15, FCC 04-192 (rel. Sept. 7, 2004) ("Second Periodic Review"). The Request is in compliance with the Commission's June 14, 2006 Public Notice in this proceeding. See *DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extensions of the Deadline*, Public Notice, DA 06-1255 (rel. June 14, 2006) ("Public Notice"); *DTV Channel Election Issues — Media Bureau Extends Filing Deadline for Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline to July 7, 2006*, Public Notice, DA 06-1372 (rel. June 29, 2006).

<sup>2</sup> *Second Periodic Review*, ¶ 78. Some licensees were required to comply with a July 1, 2005 deadline, but the applicable deadline for KVRR-DT is July 7, 2006.

<sup>3</sup> *Id.* ¶ 85.

In the *Second Periodic Review* in this proceeding, the Commission recognized that certain circumstances may warrant flexible enforcement of the maximization deadline. To this end, the *Second Periodic Review* adopted a waiver process to provide for six-month extensions of the maximization/replication protection deadline. In a recent *Public Notice*, the Commission provided further guidance regarding the waiver process.<sup>4</sup> The *Public Notice* requires a petitioner to demonstrate “severe financial constraints or circumstances beyond [the petitioner’s] control.”<sup>5</sup>

Red River submits that it satisfies the latter criterion. Despite its diligent efforts to comply with the July 7 deadline, Red River will be unable to meet the deadline with respect to KVRR-DT because of technical delays beyond its control. Specifically, the tower in Barnesville, Minnesota on which the KVRR-DT antenna is situated required strengthening before KVRR-DT’s maximized facilities could be constructed. As the attached letter from Midwest Steeple Jacks, Inc. demonstrates, the tower crew encountered weather delays that pushed back the time schedule for completing steel reinforcement modifications (*see Exhibit 1*).

The project has been further delayed because a tower crew must remove a Clear Channel FM antenna from the tower before another tower crew can begin the KVRR-DT maximization process. The attached letter from Sioux Falls Tower & Communications indicates that the FM tower crew is scheduled to remove the FM antenna before the week of July 23 (*see Exhibit 2*). Once the tower crew has finished removing the FM antenna, the tower crew engaged by Red River is prepared to begin construction of KVRR-DT’s maximized facilities. Red River believes that construction of KVRR-DT’s maximized facilities will be completed within six months of July 7, 2006. Accordingly, Red River respectfully requests a six month waiver of the maximization deadline owing to reasons beyond its control.

Red River has separately filed, via CDBS, requests for extension of the KVRR-DT STA authorization, FCC File No. BDSTA- 20030206ADJ, and KVRR-DT Construction Permit, FCC File No. BPCDT- 19991028ACA, for the reasons set forth herein.

In the event there are any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

HOLLAND & KNIGHT LLP



David A. O'Connor

Counsel for Red River Broadcast Co., LLC

Enclosure

cc (via e-mail): Shaun Maher, FCC

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<sup>4</sup> *Public Notice*, at 5.

<sup>5</sup> *Id.*

# **EXHIBIT 1**

# 3890627\_v1



**4623 Timberline Dr.**  
**Fargo, ND 58104**  
**PH. (701)-200-1779**  
**Fax. (701)-298-8485**

6/5/06

KVRR-TV  
PO Box 9115  
Fargo ND 58106

Attention: Don Sturzembecher

Project: Barnesville modifications

Dear Mr. Sturzembecher,

This letter is to inform you of the weather delays that we have incurred at the Barnesville, MN site. Additional personnel have been added to this project to help expedite a timely completion. We are expecting to be completed with all steel reinforcement modifications by 6/30/06. If you have any questions, please do not hesitate to call.

Sincerely,  
Midwest Steeple Jacks, Inc.

Rory Kiland  
President

# **EXHIBIT 2**

# 3890627\_v1



# SIoux FALLS TOWER & COMMUNICATIONS

2224 E. 39<sup>th</sup> St. N • Sioux Falls SD 57104-5409 • (605) 331-6972 • Fax (605) 332-7833

www.siouxfallstower.com

26 June 2006

Don Sturzenbecker  
KDLT TV  
3600 S. Westport Ave.  
Sioux Falls, SD 57106

Re: Clear Channel antenna removal at Barnesville, MN

Dear Mr. Sturzenbecker,

Per your request this letter is written to give you the status of our schedule for removal of the Clear Channel FM antenna from your tower at Barnesville, MN.

Our present schedule will not allow us to remove the antenna before the week of July 23. We have been in communication with Mr. Allan Brace of Clear Channel and arranged our schedule with his to perform the removal at that time. The antenna and transmission line removal will take approximately four days to perform.

We appreciate your patience as we adjust our work load to get to this job in the most expeditious way possible.

Very sincerely,

Craig M. Snyder

CC: Allan Brace – Clear Channel