

### **EXHIBIT 38**

JKB Associates, Inc., the licensee of low power television station DWLLC-LP, Nashville, Tennessee, hereby requests Special Temporary Authority (“STA”) to operate DWLLC-LP for a period of 180 days during the pendency of its application for renewal of license for DWLLC-LP. That renewal application will be filed within the next few days. In support of this request, the following is respectfully submitted:

The license for DWLLC-LP expired on August 1, 2005. Although the filing of an application for renewal of a license typically acts to toll the license expiration while the application is pending,<sup>1</sup> JKB Associates, Inc. is only filing that renewal application this week. This failure to file the renewal application was just discovered when a colleague of the station President, General Manager and majority owner, Jim Baumann, looked up the station on the Commission’s CDBS website and found that the call sign had been changed from WLLC-LP to DWLLC-LP. The failure to file the renewal application was inadvertent, and the circumstances surrounding the late filing of the application are explained in detail here and in the renewal application.

DWLLC-LP, like most low power TV stations, is a small station. It employs less than 5 full time employees yet, unlike all but a hand full of low power TV stations, engages in local programming production and still is in the process of building its audience and developing advertiser support for its programming. The GM has to work very long hours and undertake many duties to make this station a financially viable and attractive station in the Nashville market. He not only runs and markets the station, he assists in planning facilities modifications to provide better signal coverage and he is responsible for raising the

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<sup>1</sup> 47 U.S.C. § 307(c)(3).

funds required to make such improvements. Quite simply, the expiration date of the license was overlooked. The GM was well aware that the CP to modify the facilities of the station expires this December and he focused on the CP expiration date rather than the license expiration date. This error is isolated, as JKB has a history of compliance with FCC Rules and makes best efforts to obey FCC Rules and to meet the FCC's filing requirements.

A grant of this request will allow DWLLC-LP to continue its programming service so important to the Nashville community. DWLLC-LP is a Spanish language low power TV station that offers a cultural and language focus to the ever-growing Hispanic population of Nashville. Refusing to grant this STA request would deprive those viewers of this valuable free service. In further demonstration of its community service, DWLLC-LP has donated over \$200,000 of PSAs to such organizations as the US Army, the US Coast Guard and the Tennessee National Guard since 2005. The value of this broadcast service is demonstrated again by the fact that the Metro Nashville Public Schools has scheduled a ceremony to confer a community service award on DWLLC-LP. It would certainly be tragic for JKB to accept this award after DWLLC-LP ceased programming operations for want of the requested STA.

A refusal to grant this STA request would also cause irreparable harm to JKB, who would be forced to break advertising contracts, thereby harming advertisers. As a result, JKB and DWLLC-LP would lose the respect and support of local advertisers that JKB has worked so hard to nurture. As a further result, DWLLC-LP's hard-earned revenue stream would dry up, and even if its license renewal application were ultimately granted, the loss of employees, market share, advertiser support, market recognition and good will JKB worked so hard to develop would be beyond the financial resources of JKB to regain.

JKB deeply regrets its failure to recognize the expiration of its license and to timely file a license renewal application. This experience of losing the license is horrible, and one that JKB intends never to repeat. To that end, JKB has established a reliable tickler system that will assure it that it does not fail to recognize any FCC filing requirements in the future.

Considering the foregoing, JKB respectfully urges the Bureau to find that a grant of this STA request would be in the public interest and to grant of this STA request.