

Hoak Media of Dakota License, LLC (“Hoak”), licensee of commercial television station KABY-TV, Facility ID No. 48659, Aberdeen, South Dakota (“KABY”), respectfully submits the instant application (“Application”) seeking special temporary authority (“STA”) from the Commission to commence on February 16, 2009 early digital operations on KABY’s post-transition digital television (“DTV”) channel in accordance with technical parameters specified in KABY’s DTV construction permit, FCC File No. BPCDT-20080408AEN (“DTV CP”). Such early commencement of digital operations is necessary to facilitate an orderly DTV transition in light of the uncertainty and potential for disruption caused by the current consideration by Congress of whether to significantly delay the DTV transition deadline.

The DTV CP includes a condition that the facility specified therein cannot commence operation prior to midnight on February 17, 2009 without the prior approval of the Commission. This Application is being filed to secure such approval in conformance with procedures established by the Commission.¹

As set forth in the Application, commencing operation of KABY’s authorized post-transition DTV facilities on February 16, 2009 in accordance with its DTV CP will not cause impermissible interference with another television station and will enable KABY to continue to serve its existing analog and pre-transition digital viewers for the remainder of the DTV transition.

Concurrently herewith, Hoak is filing with the Commission a notification of the termination of KABY’s pre-transition DTV and analog television service as of February 16, 2009.

¹ See Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television, MB Docket No. 07-91, *Report and Order*, 23 FCC Rcd 2994, ¶ 121 (2007) (permitting television stations to cease operations on their pre-transition DTV facilities and begin operating on their post-transition DTV facilities before February 17, 2009).