

Legal Request for Special Temporary Authorization

Exhibit 38

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Sunshine State Television Network, Inc. (“Sunshine”), the licensee of Class A Television station KOHC-CA, Oklahoma City, OK, Channel 38 (Fac. ID No. 10265) and permittee of digital companion channel KOHC-LD, Oklahoma City, OK, Channel 45 (Fac. ID No. 168054) (together, the “Station”), hereby requests Special Temporary Authorization (“STA”) to operate KOHC-CA using the facility specified in the authorization for KOHC-LD (the “DCC Facility”).

On November 10, 2009, Sunshine took KOHC-CA silent in order to accommodate the full power operations of KWTW-DT, Oklahoma City, OK, Channel 39 (Fac. ID No. 23582).¹ Going forward, Sunshine intends to operate the Station in digital mode only, using the DCC facility. KOHC-LD is fully operational, and a covering license application is pending before the agency.²

The FCC gave digital companion channel facilities for Class A Television stations secondary status.³ While the Commission has made it clear each Class A station will be entitled to retain Class A status on whichever channel it ultimately chooses to retain for post-transition digital operations,⁴ the agency is still working to determine procedures by

¹ See FCC File No. BLSTA-20100903AAM (pending request for silent STA).

² See FCC File Nos. BDCCDTL-20081215ACO (permit for DCC Facility); BLDTL-20100903AAR (pending application for license to cover).

³ See, e.g., *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, 19 FCC Rcd. 19331, 19378-81 (2004).

⁴ See *id.* at 19381; See also *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations.*, Further Notice of Proposed Rulemaking, MB Docket No. 03-185, FCC 10-172 at ¶ 32 (Sept. 17, 2010).

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which a licensee may transfer its Class A status from its analog facility to its digital companion channel facility.⁵ Accordingly, if KOHC-CA is not operational by November 10, 2010 (*i.e.*, one year after Sunshine took KOHC-CA silent), KOHC-CA's authorization will lapse and the Station's Class A status will be forfeited. To avoid this result, Sunshine requests STA to operate KOHC-CA using the DCC Facility. Grant of this request will satisfy KOHC-CA's obligation to resume operations before it has been silent for 12 months and will allow the Station's Class A status to remain intact while the Commission finalizes procedures for the station to transfer that status to its digital companion channel.⁶

⁵ *See id.* at ¶¶ 32-33.

⁶ Sunshine also has submitted an application to displace KOHC-CA to the DCC Facility. *See* FCC File No. BDISDTA-20100916ACF. If the FCC grants this displacement application, Sunshine will file a covering license application and, once the displacement facility is licensed, surrender its digital companion channel authorization.