

Station KRMJ-DT, Grand Junction, CO
Post-Transition DTV Facility Form 340 Application

DTV Contour Extension - Freeze Waiver Request

In connection with this application, Rocky Mountain Public Broadcasting Network, Inc. (“RMPBN”), licensee of noncommercial educational television station KRMJ(TV/DT), NTSC Channel 18 and pre-transition DTV Channel 17, Grand Junction, Colorado, requests a waiver of the maximization freeze as announced by the *Public Notice* entitled “Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes,”¹ and as most recently addressed by *In the Matter of Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*.²

In the *Third Periodic Review*, the Commission announced that it would consider requests to waive the freeze before August 17, 2008 in order to provide for minimally expanded facilities where necessary to ensure that stations can serve their existing television viewers with their post-transition facilities, thereby meeting viewers’ reception expectations.³ Specifically, the Commission adopted a waiver policy to permit rapid approval of minor expansion applications by stations that are not using their pre-transition DTV channel for post-transition operation, provided that such expansion:

“(1) Would allow the station to use its analog antenna or a new antenna to avoid a significant reduction in post-transition service from its analog service area;

(2) Would be no more than five miles larger in any direction than their authorized service area, as defined by the post-transition DTV Table Appendix B; and

(3) Would not cause impermissible interference, i.e., more than 0.5 percent new interference, to other stations.”⁴

Station KRMJ-DT meets these standards for the freeze waiver in the connection with the instant application. First, KRMJ-DT will operate its post-transition facility on DTV Channel 18, its current analog channel. Second, RMPBN will use its existing analog antenna for the station’s post-transition DTV facility. Third, the proposed facility provides only a minimal expansion beyond the station’s Appendix B facility, to help maintain service to existing analog and digital viewers. *See Exhibit 35*. Fourth, the facility proposed by this application would be no more than five miles larger in any direction than the authorized service area, as defined by the post-transition DTV Table Appendix B. *See Exhibit 35 and attached coverage map*. Lastly, the proposed facility will not cause impermissible interference. *See Exhibit 35 and attached analysis*. Accordingly, RMPBN requests a waiver for the instant post-transition DTV application, in order to utilize KRMJ’s existing antenna and serve existing viewers.

¹ *Public Notice*, DA 04-2446 (Rel. Aug. 3, 2004).

² *Report and Order*, MM Docket No. 07-91, FCC 07-228 (Rel. Dec. 31, 2007) (“*Third Periodic Review*”).

³ *Third Periodic Review* at ¶ 148.

⁴ *Third Periodic Review* at ¶ 151.