

EXHIBIT 38

Request for Approval of Early Commencement of Post-Transition DTV Operation

NCE Station WCBB-DT, Augusta, Maine
Facility ID: 39659 / FRN: 0003293008

Maine Public Broadcasting Corporation (“MPBC”) requests approval for early operation of its post-transition digital television service for noncommercial educational Station WCBB-DT, DTV Channel 10, Augusta, Maine. A special operating condition in the WCBB-DT post-transition facility construction permit in FCC File No. BPEDT-20080317ACC specifies that MPBC can not commence operation pursuant to the permit prior to February 17, 2009 without prior Commission approval. Accordingly, MPBC seeks authority to commence its post-transition DTV Channel 10 operation under its construction permit as of **January 11, 2009**, and requests that the WCBB-DT post-transition permit is re-issued without the relevant condition.

The commencement of operation of the WCBB-DT post-transition Channel 10 facility in January will allow MPBC to complete its digital transition for the station in a timely manner and to coordinate the technical transition of WCBB with those of its four sister stations, MPBC’s co-licensed WMEA, Portland, Maine, WMED, Calais, Maine, WMEB, Orono, Maine, and WMEM, Presque Isle, Maine. (Please note that MPBC also plans to terminate WCBB’s pre-transition DTV channel 17 and analog Channel 10 service on or about January 11, 2009, in connection with the commencement of post-transition DTV operations. MPBC plans to separately file the necessary notices for those terminations of service with the FCC, and to conduct the required on-air viewer notifications, both in accordance with *In the Matter of Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television.*¹)

Based on its consulting engineer’s studies, MPBC believes that operation of WCBB’s post-transition DTV facility in FCC File No. BPEDT-20080317ACC prior to February 17, 2009 will not cause impermissible interference to any other station.² Please see the attached engineering exhibit.³

¹ Report and Order, MM Docket No. 07-91, FCC 07-228 (Rel. Dec. 31, 2007) (“*Third Periodic Review*”).

² With regard to any interference caused to other MPBC stations by early operation of WCBB-DT’s post-transition facility, MPBC hereby consents on behalf of its other stations. See attached Engineering Statement; see also Interference Consent Agreement in File No. BMPEDT-20080620ALG.

³ In fact, MPBC submits that operation of WCBB’s “maximization” facility (construction permit application pending in FCC File No. BMPEDT-20080620ALG) would also not cause impermissible interference to any other station. Please see the attached engineering exhibit. If granted shortly, MPBC wishes to commence post-transition operation pursuant to the

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MPBN seeks to commence operation of the WCBB post-transition DTV Channel 10 facility several weeks early for a number of reasons. For instance, the pre-transition WCBB DTV Channel 17 facility has been experiencing equipment problems, and the repairs that would be required to improve service would create unjustifiable expenses at this point in the transition process. In addition, WCBB's analog Channel 10 facility is already operating at a reduced power under a grant of Special Temporary Authority in File No. BLSTA-20080403AAE. The analog reduction in power was necessary to complete the transmitter conversion work required for the transition to post-transition DTV Channel 10 operation. With that work completed, WCBB stands ready to begin post-transition digital operation once authorized. Moreover, an early transition would allow MPBC to coordinate the analog terminations and post-transition DTV commencement for all 5 of its licensed full service noncommercial TV stations at once, and benefit another MPBC station which is experiencing service problems with its pre-transition facility. Finally, MPBC plans to work with other local stations and the Maine Association of Broadcasters to use the early transition of its statewide network to educate viewers about the transition, digital televisions, and set-top converter boxes.

WCBB's circumstances are also in line with the *Third Periodic Review's* procedures for early digital operation on a post-transition channel.⁴ Not only will the post-transition DTV Channel 10 facility not cause impermissible interference to another station, but WCBB-DT will also continue to serve its existing viewers until the transition date, and meet the February 17, 2009 deadline for commencement of full, authorized post-transition service.⁵

MPBC is a noncommercial educational licensee and it operates WCBB on a noncommercial educational basis. The licensee is therefore exempt from FCC filing fee requirements, pursuant to Section 1.1114 of the Commission's Rules, and the facility is exempt from FCC regulatory fees, pursuant to Section 1.1162 of the Rules.

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maximization, and submits that a grant of that application could also be issued without conditions that preclude operation prior to February 17, 2009.

⁴ Id. at ¶ 121, et. seq.

⁵ Id.