

March 15, 2007

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VIA HAND DELIVERY

Marlene H. Dortch, Esq., Secretary  
Federal Communications Commission  
236 Massachusetts Ave., NE, Suite 110  
Washington, DC 20002  
*Attention: Chief, Video Division, Media Bureau*

**Please Date Stamp and Return To  
HOLLAND & KNIGHT LLP**

Re: KVRR-DT, Fargo, North Dakota  
Facility ID No. 55372  
FCC File No. BMPCDT-20061228AAO  
*Request for Clarification*

FILED/ACCEPTED

MAR 15 2007

Federal Communications Commission  
Office of the Secretary

Dear Ms. Dortch:

Red River Broadcast Co., LLC ("Red River") is the licensee of analog television station KVRR(TV), Fargo, North Dakota and the permittee of digital television station KVRR-DT, Fargo, North Dakota. On December 28, 2006, KVRR filed the above-referenced application (the "Application") seeking to modify the KVRR-DT construction permit. The modifications were necessary because the KVRR-DT antenna may not be placed at its authorized maximum height due to the current placement of the KVRR(TV) analog antenna in that location.<sup>1</sup>

By letter dated February 27, 2007 from Clay Pendarvis, Esq., Associate Chief, Video Division, Media Bureau (the "Letter"), the Application was granted. However, the Letter appears to allege that Red River made false certifications on the FCC Form 381 maximization/replication certification form for KVRR-DT ("KVRR Certification").<sup>2</sup>

The proposed modification would result in a reduction of the facilities that you certified that you would construct as your permanent digital television station. While we are granting your modification application, we call your attention to the Second DTV Periodic Review Report and Order, 19 FCC

<sup>1</sup> KVRR also has a pending request for waiver of the July 7, 2006 maximization deadline, in light of the antenna issue described above. See KVRR-DT Request for Waiver, MB Docket No. 03-15 (filed July 7, 2006, as amended Dec. 28, 2006); see also FCC File No. BEPCDT-20060707ADU (accepted for filing July 10, 2006); FCC File No. BEDSTA-20060630AAO (accepted for filing July 3, 2006).

<sup>2</sup> See FCC File No. BCERCT-20041104ARY (tendered for filing Nov. 5, 2004).

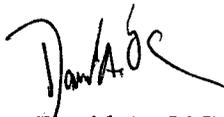
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Rcd 18279, 18296 n. 81 (2004), wherein the Commission reminded licensees that false certifications may result in fines and loss of license.<sup>3</sup>

As noted above, Red River is physically unable to maximize KVRR's DTV facilities as intended because the existing KVRR(TV) analog antenna is located at the height authorized for maximized DTV operations. The Commission specifically recognized this problem and permitted stations to file requests for waiver on that basis.<sup>4</sup> Red River has done so for KVRR and, in conjunction with the end of the digital transition and upon Commission authorization, Red River intends to move the KVRR-DT antenna to the maximized height and remove the analog antenna from service. Accordingly, KVRR requests that the Media Bureau clarify that the Application is fully consistent with the KVRR Certification and that the truthfulness of Red River's certification is not in question because Red River has been fully candid with the Commission.

Respectfully submitted,

HOLLAND & KNIGHT LLP



David A. O'Connor  
Counsel for Red River Broadcast Co., LLC

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<sup>3</sup> Letter, at 1.

<sup>4</sup> See *DTV Channel Election Issues-Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extensions of the Deadline*, Public Notice, DA 06-1255 (rel. June 14, 2006).

