

**REQUEST FOR LEAVE TO CONTINUE CURRENT
OPERATIONS OR, IN THE ALTERNATIVE, FOR A WAIVER**

In this application, KRWF-DT proposes to continue operating post-transition with its current Special Temporary Authority (“STA”) facilities of 58 kW effective radiated power (“ERP”) and an antenna height above average terrain (“HAAT”) of 151 meters. For the reasons set forth below, KRWF-DT submits that a grant of this application would be consistent with prior Commission precedent. In the alternative, KRWF-DT respectfully requests a waiver for the reasons set forth below.

KRWF-DT submits that a grant of this application would be fully consistent with the approach adopted in the Commission’s *Eighth Report and Order* in this proceeding.¹ Specifically, in Paragraph 36 of the *Eighth Report and Order*, the Commission permitted certain stations that are already operating their final, post-transition DTV facilities to exceed the interference standard.² In doing so, the Commission stated that “it is unnecessary and unfair to require these already-operational facilities to reduce service.”³ KRWF-DT submits that it would be equally unnecessary and unfair to require KRWF-DT to reduce service when it is already operating the DTV facilities it intends to continue operating post-transition.

¹ *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Memorandum Opinion and Order on Reconsideration of the Seventh Report and Order and Eighth Report and Order, MB Docket No. 87-268, FCC 08-72 (rel. Mar. 6, 2008) (“*Eighth Report and Order*”).

² The applicable interference standard for these stations was 0.1 percent. The Commission also permitted these stations to change their facility certifications (FCC Form 381). KRWF-DT requests similar permission to change its FCC Form 381 facility certification to reflect KRWF-DT’s STA facilities. See FCC File No. BCERCT- 20041105AXA.

³ *Eighth Report and Order*, ¶ 36.

In the alternative, KRWF-DT respectfully requests a waiver of the current filing freeze to allow the station to continue operating with its present facilities post-transition. The Commission may waive its rules when good cause is demonstrated.⁴ KRWF-DT submits that good cause exists to waive the freeze in this instance. First, KRWF-DT is a satellite television station, and as such has been afforded more flexible treatment than full-power broadcasters throughout the DTV transition. For example, the Commission has permitted KRWF-DT to operate its pre-transition DTV facilities at reduced power pursuant to STA.⁵ In keeping with this flexible treatment of satellite stations, KRWF-DT requests a waiver in order to allow KRWF-DT to complete the DTV transition in a timely manner without significant loss of service.

Second, a denial of this waiver request would require KRWF-DT to re-file for post-transition DTV facilities that provide significantly reduced service — only 5 kW ERP instead of 58 kW ERP. This would result in a loss of service to more than 22,000 viewers, or nearly 25% of this satellite station's coverage area. KRWF-DT submits that rigid application of the DTV Table parameters should not be followed where, as here, it leads to the absurd result of dramatically reducing a station's existing DTV service without any apparent offsetting beneficial effects.

Finally, KRWF-DT already is operating the station with the proposed parameters, and there has been no opposition to those operations. KRWF-DT calculates that it will cause no more than 0.5% interference to any station post-transition, and thus submits that it is fully compliant with the new interference criteria.

For all of these reasons, a waiver is respectfully requested in order to allow KRWF-DT to continue operating its current DTV facilities with no loss in service to its viewers.

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⁴ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

⁵ *See* File No. BDSTA-20020701ABP (granted July 5, 2002 and as periodically extended).