

**Station KRNE-DT, Merriman, NE  
Post-Transition DTV Facility Form 340 Application Amendment**

**DTV Contour Extension - Freeze Waiver Request**

In connection with this application, Nebraska Educational Television Commission (“NETC”), licensee of noncommercial educational television station KRNE(TV/DT), NTSC Channel 12 and Pre-Transition DTV Channel 17, Merriman, Nebraska, 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,”<sup>1</sup> 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*.<sup>2</sup>

Engineering Exhibits 1 and 35 to this application provide information and data in support of this waiver request, which NETC further justifies as follows. In the *Third Periodic Review*, the Commission announced that it would consider requests to waive the freeze before August 17, 2008 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.<sup>3</sup> 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.”<sup>4</sup>

Station KRNE-DT meets these standards for the freeze waiver requested in the instant application. First, KRNE-DT will operate its post-transition facility on DTV Channel 12, its current analog channel. Second, NETC will use a new analog antenna for its post-transition DTV facility. Third, the proposed facility provides only a minimal expansion beyond the station’s Appendix facility, as needed to serve existing viewers and avoid a significant reduction in post-transition service. As explained in Exhibit 1, adherence to the contour expansion freeze would require an ERP of 14.1 kW and result in an unacceptable population loss of 5.29 % of the noise limited population. The applied-for facility, including ERP of 30 kW, avoids such a loss.

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

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

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

<sup>3</sup> *Third Periodic Review* at ¶ 148.

<sup>4</sup> *Third Periodic Review* at ¶ 151.

Appendix B. *See* engineering exhibits. Lastly, the proposed facility would not cause impermissible interference. *See* Exhibit 35.

Accordingly, NETC requests a waiver to allow for the minor expansion in the instant application for its post-transition DTV Channel 12 facility, in order to avoid significant population loss.