

## EXHIBIT 38

### **Request for Approval of Commencement of Post-Transition DTV Operation**

Station KAWE, Bemidji, MN (Facility ID No. 49578)

Northern Minnesota Public Television, Inc. (“NMPTV”) hereby requests approval to commence post-transition DTV service for noncommercial educational television station KAWE, DTV Channel 9, Bemidji, MN (“KAWE”) at approximately noon on **February 17, 2009**. A special operating condition in the construction permit for KAWE’s post-transition DTV facility in FCC File No. BPEDT-20080317AAL states that the station is not to commence operation pursuant to the permit prior to February 17, 2009 – *or such other date as the Commission may establish in the future* – without prior Commission approval. Accordingly, in anticipation of pending legislation that proposes to delay the DTV transition deadline beyond February 17, 2009, NMPTV seeks authority to commence post-transition DTV Channel 9 operation of KAWE under the station’s construction permit at approximately noon on February 17, 2009.

In accordance with *In the Matter of Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, the operation of KAWE’s post-transition DTV facility will not cause impermissible interference to other stations and will allow KAWE to continue to serve existing viewers until the final DTV transition date.<sup>1</sup> Post-transition digital operation of KAWE will also ensure that the station complies with the final deadline for the commencement of full, authorized post-transition service.<sup>2</sup> Indeed, KAWE’s full, authorized post-transition DTV service obligations will be met immediately upon commencement of operation of the facilities specified in FCC File No. BPEDT-20080317AAL.

NMPTV submits that commencement of KAWE’s post-transition DTV service on February 17, 2009 will serve the public interest. Post-transition digital operation of KAWE will not cause impermissible interference to any other station. *See* Engineering Statement. In addition, operation of KAWE’s post-transition DTV service as of February 17, 2009 will ensure that the station’s existing viewers continue to receive KAWE’s noncommercial educational television programming following the termination of KAWE’s analog service on that date. Finally, post-transition digital operation of KAWE on February 17, 2008 will allow KAWE to transition to post-transition digital operation concurrently with Station KAWB, Brainerd, MN (Facility ID No. 49579) the other television station in NMPTV’s network.

NMPTV has notified the Commission of its intent to terminate analog service for KAWE as of the existing February 17, 2009 DTV transition deadline. Thus, commencement of KAWE’s post-transition DTV service on February 17, 2009 will allow the station to transition to post-transition digital operation with the least amount of disruption to viewers, and ensure a consistent transition across all of the television stations in NMPTV’s network.

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<sup>1</sup> See Report and Order, MM Docket No. 07-91, FCC 07-228 (Rel. Dec. 31, 2007), at ¶ 121, et seq.

<sup>2</sup> See *id.*

NMPTV will immediately commence viewer notifications regarding the commencement of KAWE's post-transition DTV service in accordance with the *Third Periodic Review*. NMPTV will also run additional viewer notifications per day, as required, in order to ensure that a total of 120 viewer notifications are run prior to the commencement of KAWE's post-transition digital operation.

NMPTV is a noncommercial educational licensee and operates KAWE 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.