

**Station KHET-DT, Honolulu, HI**  
**Post-Transition DTV Facility Form 340 Application**

**DTV Contour Extension - Freeze Waiver Request**

In connection with this application, Hawaii Public Television Foundation (“HPTF”), licensee of noncommercial educational television station KHET-DT, Honolulu, Hawaii, 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>

The foregoing Engineering Statement provides a full explanation and justification for this waiver request. HPTF further supplements that waiver request 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>

HPTF believes that the instant application for KHET-DT meets the standards for a freeze waiver. KHET-DT’s proposed post-transition facility will operate on DTV Channel 11 – its current analog channel. In addition, the proposed facility will result in only a minimal expansion beyond the station’s Appendix B facility – less than five miles larger in any direction (except over water) – as needed to serve existing viewers and avoid a significant reduction in post-transition service. As noted in the Engineering Statement A (at pages 1-2), the use of the new Channel 11 antenna at the proposed parameters is necessary to meet the population coverage of KHET’s Appendix B facility. Finally, as explained in Engineering Statement A and Table I, the proposed facility will not cause impermissible interference.

Accordingly, the HPTF requests a waiver to allow for the minor expansion in the instant application for KHET-DT’s post-transition DTV facility.

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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.