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July 3, 2006

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**ELECTRONICALLY FILED
(VIA ECFS)**

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

**Re: MB Docket No. 03-15
KLSR-DT, Eugene, Oregon (Facility ID No. 8322)
Request for Waiver of Replication/Maximization Interference
Protection Deadline**

Dear Ms. Dortch:

On behalf of California Oregon Broadcasting, Inc. ("COBi"), the permittee of digital television ("DTV") station KLSR-DT, Eugene, Oregon (Facility ID No. 8322), we hereby request a waiver of the July 1, 2006 replication/maximization interference protection deadline.¹

COBi understands that, in order to meet the requirements of the interference protection deadline, KLSR-DT must be operating with the facilities specified in its DTV construction permit² by July 1, 2006.³ As explained below, however, due to circumstances beyond its control, COBi requires an extension of time within which to complete construction of KLSR-DT's permitted facilities, and therefore respectfully requests a waiver of the July 1 deadline.⁴

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

² File No. BMPCDT-20041028AKC.

³ See *Second Periodic Review of the Commission's Rules and Regulations Concerning the Transition to Digital Television*, MB Docket No. 03-15, FCC 04-192, ¶ 78 (rel. Sept. 7, 2004).

⁴ KLSR-DT is currently operating at reduced power pursuant to special temporary authority ("STA"). See FCC File No. BDSTA-20021011ABY, as extended. The

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Circumstances beyond COBi's control have thwarted COBi's diligent efforts to meet the July 1, 2006 buildout deadline. COBi ordered the transmitter and related equipment required for the buildout from K Tech on December 5, 2005, after seeing the equipment demonstrated at the 2005 National Association of Broadcasters show in Las Vegas, Nevada. COBi felt comfortable using K Tech, because it had successfully relied on the company in the past to supply equipment for its television stations.⁵ Upon receiving COBi's order, K Tech subcontracted the IOT final amplifier and associated integration and support to Microwave Service Management Inc. ("MSMI").⁶ COBi was originally to take delivery of the equipment in February or March of this year, leaving more than enough time to complete KLSR-DT's full-power buildout.

In early 2006, Frank Spaine, owner and president of MSMI, passed away. Since that time, Mr. Spaine's widow has been running the company and has been forced to lay off most of its employees. Neither COBi nor K Tech knew of Mr. Spaine's passing until April 2006. Geoff Carter, principal engineer at MSMI, has assured K Tech that the transmitter will be built, at no increased cost, using equipment from Thales and MSMI. Mr. Carter negotiated with Thales to secure the order and obtain a delivery date for the transmitter. While Thales originally indicated an August

(Continued . . .)

most recent extension of this STA, *see* FCC File No. BEDSTA-20060411ADC, expires on July 1, 2006. Concurrently with this waiver request, COBi is filing a request for extension of its STA and an FCC Form 337 application seeking an extension of time to construct the facilities specified in KLSR-DT's outstanding construction permit.

⁵ K Tech has successfully supplied COBi with ATSC digital modulators, ASI-SMPTE 310 converters, and digital receivers, and served as the integrator of our low power digital amplifiers and mask filters in use since COBi began DTV operation of KOB-DT, KOTI-DT and KLSR-DT in 2003. The equipment has operated reliably and K-Tech has provided responsive customer support.

⁶ Initially, COBi was not aware that K Tech has subcontracted a portion of the work.

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2006 delivery date, it now appears that delivery will not occur until early September 2006.⁷

COBi has taken necessary steps within its control to compete construction. For example, much of the infrastructure necessary for installation is already in place at the site. The power company visited the site and modified the building main power and distribution system for the new equipment. K Tech has already shipped some transmitter components to COBi, and COBi has readied them for the installation process. Notwithstanding these efforts, however, COBi cannot complete KLSR-DT's full-power buildout until it receives remaining transmitter components from K Tech.

Once the equipment is in hand, COBi believes that it can complete the buildout within about a month. Given the continued uncertainty concerning delivery timing, however, COBi respectfully requests a waiver up to and including November 1, 2006, to ensure sufficient time to complete construction. Given COBi's good faith efforts to construct a digital facility and the importance of ensuring that viewers continue to receive digital signals, grant of this waiver would serve the public interest by allowing KLSR-DT additional time to comply with the replication/maximization deadline and ensuring that the station's interference protection is not limited to the DTV service area achieved by the July 1, 2006 deadline.⁸

⁷ Further factual detail concerning the foregoing are contained in a June 12, 2006 letter from Thales and a June 14, 2006 letter from K Tech, both of which are attached to this request.

⁸ See, e.g., *Digital Television Construction Deadline*, 16 FCC Rcd. 8122 at ¶ 11 (2001) (manufacturing backlog, unexpected work stoppages, and unexpected changes in proposed facilities are circumstances beyond a licensee's control, warranting the extension of DTV construction deadlines).

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If there are any questions concerning this matter, please contact the undersigned.

Sincerely,

/s/ Marnie K. Sarver

Marnie K. Sarver

cc (by email): Shaun Maher

THALES

BROADCAST & MULTIMEDIA

THALES BROADCAST & MULTIMEDIA Inc.

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Southwick, MA 01077 USA
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Acorn
298 Roosevelt Trail
P.O. Box 830
South Casco, ME 04077

June 12, 2006

RE: Thales Contract # 6449DXP1-01-052406-R4-KLSR

Dear Sir,

The purpose of this letter is to advise you of the status of your order for the delivery of the 25kW DTV Paragon Transmitter, for KLSR, DTV CH31, in Eugene, OR. (Ref. Thales Contract #6449DXP1-01-052406-R4-KLSR).

Due to the high demand for the manufacture and installation of digital products at this time, we do not have the resources to meet a July 1, 2006 on-air date. We anticipate at this time that the equipment will ship tentatively by September 6, 2006.

If either you or the FCC desires any additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



Jack McNulty
Eastern Regional Sales Manager
THALES Broadcast & Multimedia, Inc.

K Tech Telecommunications, Inc.

21540 Prairie Street, Unit B, Chatsworth, CA 91311 PHONE (818) 773-0333 FAX (818) 773-8330

June 14, 2006

Patricia C. Smullin
President
California Oregon Broadcasting, Inc.
125 South Fir St
Medford, OR 97501

Dear Patricia,

The transmitter order, Purchase Order number 13-10861, has been delayed due to the following reasons as indicated below. Ktech worked with Microwave Service Manufacturing Inc (MSMI) to build the transmitter and demonstrated a working product during the NAB show in 2005. Ktech builds an 8VSB modulator, and MSMI builds the amplifier, and provides integration and support.

Death of a Principal at a vendor critical to the transmitter

- a. Frank Spaine who was owner and president of Microwave Service Manufacturing, Inc died early this year. Ktech has placed an order for the transmitter on Dec 5, 2005, on our PO number RC12505-1. I was notified of his death on April 25, 2006. Frank's death has caused MSMI to be run by his wife and to layoff most employees at MSMI. While MSMI has not been dissolved to this date, there still is a principal engineer, Geoff Carter, who has assured Ktech that the transmitter will be built using the equipment from Thales Broadcast and Multimedia and without having to spend additional funds.
- b. Since Frank's death, Geoff has been negotiating with Thales to secure the order and confirm delivery date for the transmitter. The order has been finally accepted by Thales and a letter from Thales indicating the delivery date arrived today. The delivery date indicates early September 2006. This is further delay from Thales's original verbal indication of Aug 2006. This letter has been enclosed in this e-mail.

As for integration and support, Thales shall be providing the technical support for the amplifier, and Ktech will be providing integration and support with Geoff on-site.

While this delay was caused by something that Ktech could not control, it is still a fact that Ktech was unable to deliver the product in time. I offer to pay for the legal expense to submit papers to FCC to file for an extension on your transmitter build at COBI.

Sincerely yours,



Steve Kuh
President