

EXHIBIT 38

Request for Approval for Early Operation of Post-Transition DTV Operation

Station KPTS-DT, Hutchinson, Kansas (Facility ID No. 33345)

Kansas Public Telecommunications Service, Inc. (“KPTS”) hereby requests approval to commence early operation of post-transition DTV service for noncommercial educational television station KPTS-DT, DTV Channel 8, Hutchinson, Kansas (“KPTS-DT”) on or about February 12, 2009. A special operating condition in the construction permit for KPTS-DT’s post-transition DTV facility in FCC File No. BMPEDT-20080618ABB 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, KPTS seeks authority to commence early post-transition DTV Channel 8 operation of KPTS-DT under the station’s construction permit on or about February 12, 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 early operation of KPTS-DT’s post-transition DTV facility will not cause impermissible interference to other stations and will allow KPTS-DT to serve existing viewers until the final DTV transition date.¹ Early post-transition digital operation of KPTS-DT will also ensure that the station complies with the final deadline for the commencement of full, authorized post-transition service.² Indeed, KPTS-DT’s full, authorized post-transition DTV service obligations will be met immediately upon commencement of operation of the facilities specified in FCC File No. BMPEDT-20080618ABB.

KPTS submits that commencing early operation of KPTS-DT’s post-transition DTV service on or about February 12, 2009 will serve the public interest. Early post-transition digital operation of KPTS-DT will not cause impermissible interference to any other station. *See* Engineering Statement. In addition, early operation of KPTS-DT’s post-transition DTV service will allow the station to restore service to existing viewers that lost service following the termination of KPTS-DT’s analog service on January 5, 2009.

KPTS has notified the Commission of the termination of analog service for KPTS-DT as of January 5, 2009 – which was required in order to allow the station’s new digital transmitter to be installed. Thus, early operation of KPTS-DT’s post-transition DTV service will allow the station to transition to post-transition digital operation and restore service to viewers who cannot currently receive the station’s pre-transition digital service.

KPTS will immediately commence viewer notifications regarding the commencement of KPTS-DT’s post-transition DTV service in accordance with the *Third Periodic Review*. KPTS will also run additional viewer notifications per day, as required, in order to ensure that a total of

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

² See *id.*

120 viewer notifications are run prior to the commencement of KPTS-DT's post-transition digital operation.

KPTS is a noncommercial educational licensee and operates KPTS-DT 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.