

KEVN, Inc.  
Exhibit 1  
Application for a Minor Modification of Construction Permit (FCC Form 301)  
KIVV-DT, Facility ID No. 34348

KEVN, Inc. (“Licensee”), the licensee of satellite station KIVV-TV, NTSC Channel 5 and DTV Channel 29, Lead, South Dakota (the “Station”), requests a minor modification of its post-transition digital facilities to specify operation on DTV Channel 5.

In October 2007, Licensee filed a Petition for limited reconsideration<sup>1</sup> of the Commission’s Seventh Report & Order.<sup>2</sup> In its Petition, Licensee requested that the Commission revise its DTV Table of Allotments at Section 73.622(b) of the Rules to substitute DTV Channel 5 for DTV Channel 29 at Lead, South Dakota, in order to enable Licensee to use its current NTSC Channel 5 for Station’s permanent digital operation. It demonstrated that such a revision would be consistent with the Commission’s prior recognition of Licensee’s financial hardship, and would eliminate predicted interference to the post-transition channel of KSTF-DT, Channel 29, Scottsbluff, Nebraska (“KSTF”), thereby enhancing the integrity of the Table of Allotments.<sup>3</sup> SagamoreHill Broadcasting LLC, licensee of KSTF-TV, filed Comments in Support of Licensee’s Petition, noting the elimination of predicted interference that would result from grant

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<sup>1</sup> KEVN, Inc., Limited Petition for Reconsideration, *In the Matter of Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MB Docket No. 87-268 (filed Oct. 6, 2007) (“KIVV Reconsideration Petition”).

<sup>2</sup> *Seventh Report & Order and Eighth Further Notice of Proposed Rulemaking in the Matter of Advance Television Systems and their Impact Upon the Existing Television Broadcast Service*, MB Docket No. 87-268, FCC 07-138, released Aug. 6, 2007 (“Seventh Report & Order”).

<sup>3</sup> KIVV Reconsideration Petition, Exhibit 2, at 3. As Licensee demonstrated in its Petition, the capital costs associated with building out KIVV to full facilities on DTV Channel 29 will be more than twice the cost of a build-out on its current NTSC Channel 5. *See id.* at 5. It also noted that Channel 5 is “ideally suited as an allotment channel” for Lead, because operations on it would cause “no predicted interference” to any existing or proposed post-transition stations on co- or adjacent channels and would reduce predicted interference to KSTF. *Id.* at Exhibit 2, at 3 and Table II.

of the Petition.<sup>4</sup> No party opposed Licensee's Petition. In its Order on Reconsideration of the Seventh Report & Order, the Commission granted Licensee's request, and assigned Channel 5 to KIVV for post-transition operations.<sup>5</sup>

Despite its grant of Licensee's request, the Commission's new allotment for KIVV specified an incorrect power level. Operating at the level set out in the Commission's new Table of Allotments would result in a significant reduction of service because Licensee would be unable to replicate its Grade B contour.<sup>6</sup> In addition, Licensee's reconsideration request stated that its intent was to use its existing analog antenna, not the new directional antenna that the power level set out at the new Table contemplates. Because of time constraints, in order to meet the Commission's conversion deadline, Licensee was required to order the necessary equipment for this facility as proposed herein. It submitted that order to Larcan on March 17, 2008.

As the attached Engineering Exhibit demonstrates, no new interference will be caused by Licensee's post-transition operations at the facilities originally contemplated in its granted Petition. The facilities proposed here qualify for expedited consideration.

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<sup>4</sup> See SagamoreHill Broadcasting, Comments in Support of the Limited Petition for Reconsideration of KEVN, Inc., *In the Matter of Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MB Docket No. 87-268 (filed Nov. 28, 2007).

<sup>5</sup> See Memorandum Opinion & Order on Reconsideration of the Seventh Report & Order and Eighth Report & Order, *In the Matter of Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MB Docket No. 87-268, released March 6, 2008, at Appendix D4.

<sup>6</sup> See DTV Table of Allotments, Appendix B (listing an ERP for KIVV of 6.71 kW rather than the requested 9.2 kW).