

EXHIBIT 21

KECI-TV, Missoula, Montana

KECI-TV, Missoula, Montana (the “Station”) respectfully submits this request for Special Temporary Authority (“STA”), which supplements and supersedes the STA request in FCC File No. BDSTA-20090624ACV. Concurrently with the submission of this request, the Station is seeking an experimental broadcast station authorization, to the extent necessary, pursuant to Sections 74.102 and 74.131 of the Commission’s rules, 47 C.F.R. §§ 74.102, 74.131.

The Station seeks authorization to operate with facilities at variance from those authorized by the Station’s construction permit (*see* FCC File No. BMPCDT-20080613ABF) and currently subject to an application for license to cover (*see* FCC File No. BLCDDT-20090622AEJ). By this request, the Station seeks authorization to operate with an effective radiated power (“ERP”) of 41.3 kW. Although this ERP would exceed the benchmark power level established by Section 73.622(f) of the Commission’s rules (47 C.F.R. § 73.622(f)), grant of the requested relief would be in the public interest and consistent with the Commission’s rules as well as other recent, granted STA requests.¹

The Station’s pre-transition digital operations were on UHF channel 40, but its final digital operations are on VHF channel 13.² Since its transition to final digital operations on June 12, 2009, the Station has received numerous reports from viewers of reception problems with respect to the Station’s digital signal.

In response to a request from Commission staff for supplemental factual information regarding the superseded STA request, the Station notes the following:

Widespread Viewer Impact. In the first two weeks after making its transition to VHF digital operations, the Station received approximately 350 telephone calls from viewers experiencing difficulty receiving the Station’s signal. The calls have continued at a rate of about 2-4 per day. In addition, the Station has received approximately 100 e-mails about this issue. The calls primarily have come from the following communities throughout the station’s coverage area: Missoula (the Station’s community of license), Lolo, Ronan, Stevensville, Superior, Frenchtown, and Darby. Twenty percent of the 113,340 households in the Station’s market rely

¹ The FCC recently granted the request of WCYB and KRCR, the Station’s sister station to increase power to 29.9 kW on VHF channel 5, and to increase power to 25.2 kW on VHF channel 7, respectively, in order to address similarly widespread reception problems. *See* FCC File No. BDSTA-20090708AGZ (filed July 8, 2009, granted July 15, 2009) and FCC File No. BDSTA-20090717ABB (filed July 17, 2009, granted July 21, 2009).

² Press reports indicate that many stations that have moved their digital operations from UHF to VHF channels are experiencing this problem. *See, e.g.,* Glen Dickson, “DTV: A Few Tweaks Left,” *Broadcasting & Cable* (June 20, 2009) (noting that “many of these stations were received reliably on their former UHF assignments but are now hard for viewers to find, even for those with an adequate UHF/VHF antenna”).

on over-the-air television, and the Station estimates that approximately 2% of these households relying on over-the-air television have already called the Station because of difficulty in receiving the Station's signal.

Necessary Power Increase. The Station seeks authorization to operate with an effective radiated power ("ERP") of 41.3 kW. As explained in the attached engineering statement, this power increase is not expected to entirely solve the problem, but it is the highest power level that the Station can achieve with its existing equipment.

No Interference. The facilities specified in this request for STA would not cause excessive interference to other television stations. As shown in the attached engineering analysis, the proposal would not increase interference to any other station. (KXLY-TV would receive less than 0.1 percent new interference, and no other station would be affected.)

* * *

A rule waiver "is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule."³ First, special circumstances warrant a deviation from the power limit specified in § 73.622(f) because the Station's actual coverage is severely limited due to the unique characteristics of the VHF spectrum. The Station believes that increased power would enable it to overcome the significant coverage difficulties described above and provide a more robust digital television signal to the public. Second, strict adherence to § 73.622(f) would deprive a significant number of viewers of the free, over-the-air television service that they used to receive. "It is a priority of the Commission that all Americans continue to receive the television broadcast service that they are accustomed to receiving following the digital transition."⁴ The Station respectfully submits that a waiver is warranted in these special circumstances, which mirror the circumstances faced by other stations for which the FCC has granted relief.

³ *Douglas-Omaha Tech. Comm'n*, 21 FCC Rcd 9277 at para. 5. See also *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969); 47 C.F.R. § 1.3 (providing for waiver of FCC rules "for good cause shown").

⁴ See *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Replacement Digital Low Power Television Translator Stations*, Notice of Proposed Rulemaking, 23 FCC Rcd 18534, at para. 3 (2009).