

The Refuge

Positive Hit Music

Waiver Request for 47 CFR, Section 73.525 TV channel 6 Protection

9/6/2007

There is one affected Television Channel 6 station, KBJR/Superior, WI (FIN 33658.) KBJR uses Channel 6 for their analog TV broadcast. Since the scheduled Digital TV transition is Feb 19, 2009, when all analog TV stations must cease to operate, **Refuge Media Group (RMG) hereby requests a waiver of the TV channel 6 protection rules (47 CFR Section 73.525.)** Pursuant to MB Docket No. 87-268, KBJR's permanent Digital TV assignment is TV channel 19. As such, after Feb 17, 2009, KBJR will no longer use TV channel 6. The result of this for nearby FM broadcasters in the reserved part of the FM band is they will no longer be subject to the TV 6 Protection rules as there will no longer be a TV channel 6 on the air in the area.

Since all Construction Permits for FM broadcast are given a 36-month period to complete, the expiration date of the corresponding CP (if granted) will be many months *after* the DTV transition date of Feb 17, 2009 (depending on when a grant would occur, it could be more than 24 months.) Therefore, (in the event this instant application gets granted) in order to prevent interference to KBJR's *analog* channel 6, *RMG certifies it will not begin program tests until after the digital transition date.* If the Commission deems it necessary, a special operating condition can be included in the CP stating no program tests are allowed until after Feb 17, 2007. In the event a CP does get granted before Feb 17, 2009, RMG would use the period between the grant date and Feb 17, 2009 to purchase and install as much of the equipment as possible, but would not make any on-air tests until after the DTV transition date.

Therefore, for reasons set forth above, Refuge Media Group respectfully request waiver of CFR 47, Section 73.525 concerning protection of KBJR's analog TV channel 6.

Please note: A copy of this instant application will be forwarded to KBJR complying with CFR 47, Section 73.525(b)(4).

4604 Airpark Blvd - Duluth, MN 55811

Phone (218) 722-3017 Toll Free (866) 722-3017 Fax: (218)-279-5010 www.RefugeRadio.com

"The Refuge" is a radio ministry of Refuge Media Group