

REQUEST FOR LIMITED WAIVER OF MAXIMIZATION APPLICATION FILING FREEZE

In the *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, FCC 07-228 para. 151 (rel. Dec. 31, 2007), the Commission provided for limited waiver of the filing freeze for maximization applications. Stations "that are not using their pre-transition DTV channel for post-transition operation" are entitled to such a waiver if the proposed expansion:

- (1) Would allow the station to use its analog antenna or a new antenna to avoid significant reduction in post-transition service from its analog service area;
- (2) Would be no more than five miles larger in any direction than their authorized service area, as defined by the post-transition DTV Table Appendix B; and
- (3) Would not cause impermissible interference, *i.e.*, more than 0.5 percent new interference, to other stations.

As demonstrated in greater detail in Exhibits 43, 44 and 46 (and the associated attachments thereto), the instant DTV modification application for KTMF-DT, Missoula, Montana, satisfies the Commission's waiver standard for limited waiver of the filing freeze for maximization applications. KTMF-DT's post-transition facility will not operate on its pre-transition DTV channel. KTMF-DT's post-transition facility will utilize the existing NTSC antenna; will not expand its DTV Table Appendix B service area by more than 5 miles in any direction; and will not cause any new impermissible interference. Furthermore, the limited waiver requested herein is in the public interest because it will allow KTMF-DT to expediently begin construction of its post-transition DTV facility, thereby ensuring free, over-the-air DTV service by KTMF-DT to the residents of the station's community of license post transition.

Therefore, MMM License LLC, licensee of KTMF-DT, respectfully requests limited waiver of the filing freeze for maximization applications to the extent necessary to accept and grant the instant DTV modification application.