

EXHIBIT

KBMY, Bismarck, North Dakota (Facility ID No. 22121) (“KBMY”) currently provides analog service on channel 17 and pre-transition digital service on channel 16. KBMY is authorized to remain on channel 16 for its post-transition digital operations.

In order to ensure continuity of service while it completes construction of its final digital facilities (*see* FCC File No. BPCDT-20080317AFX), KBMY respectfully requests two forms of Special Temporary Authorization (“STA”) under the Commission’s Rules and its *Report and Order*, MB Docket No. 07-91, FCC 07-228 (rel. Dec. 31, 2007) (the “Order”).

1. STA to Operate at Interim Site.

KBMY currently holds a license to operate digitally on channel 16 from a leased tower site. *See* FCC File No. BLCDDT-20070329AOT. As described more fully in Section 2 below, KBMY also holds a construction permit authorizing the relocation of the station’s channel 16 digital facilities to KBMY’s existing analog tower site in St. Anthony, North Dakota (the “St. Anthony Site”), which is owned by KBMY. *See* FCC File No. BPCDT-20080317AFX. KBMY intends to operate its final post-transition DTV facilities from the St. Anthony Site, but, as described more fully below, the station cannot complete construction of these facilities until after February 17, 2009, when KBMY intends to replace its top-mounted analog antenna with a new digital antenna.

KBMY had expected to operate digitally from its current licensed site until February 17, 2009, but, unfortunately, the station’s site lease is expiring on June 30, 2008 and will not be renewed. As a result, the station will not be able to broadcast digitally from its current licensed tower site as of July 1, 2008. KBMY must therefore either temporarily terminate its digital operations or relocate its digital channel 16 facilities to an interim tower site until it can complete construction of its final post-transition DTV facilities at the St. Anthony Site.

To ensure uninterrupted service to the public, KBMY has negotiated with Reiten Television, Inc., another Bismarck broadcaster, for temporary access to Reiten’s tower (the “Interim Site”). As described more fully in the Technical Exhibit hereto, KBMY proposes to operate from facilities at the Interim Site until it has completed construction of its final post-transition facilities at the St. Anthony Site. Grant of STA will serve the public interest by permitting KBMY, Bismarck’s ABC affiliate, to provide uninterrupted digital network programming to Bismarck residents. Given the upcoming political conventions and the general election in November, continuity of digital service is especially important to KBMY’s viewers.

2. STA for Alternative Buildout to Maintain Existing Service

In weighing its options in the first half of 2006, KBMY examined the state of its market and the costs associated with its DTV transition. In light of then-prevailing market conditions and transition-related costs, KBMY grew concerned over its sustained viability should it build the full facilities specified in the DTV Table. In order to continue to provide Bismarck residents with ABC programming, KBMY sought and obtained a construction permit for substantially reduced digital channel 16 facilities. *See* FCC File No. BPCDT-20060623AAG. KBMY subsequently built and licensed its digital channel 16 facilities, which were originally intended to serve as the station's final digital facilities. *See* FCC File No. BPCDT-20070329AOT.

KBMY has successfully negotiated the purchase of another Bismarck broadcaster's pre-transition digital transmitter. Through the acquisition of a previously-owned transmitter, KBMY has found a cost-effective solution that will enable it to approximate more closely the facilities specified in the DTV Table. The transmitter that KBMY will acquire operates at a higher power than its current digital channel 16 transmitter. With more powerful equipment, KBMY will now be able to pursue an option that was previously foreclosed: the construction of final digital facilities at the St. Anthony Site. Although it is more distant from Bismarck, the St. Anthony Site offers two distinct advantages. First, KBMY owns the tower, so this will truly be the station's final digital facilities. Second, use of its analog tower will enable KBMY to place its digital antenna at a greater height above average terrain, which, when coupled with its more powerful transmitter, will enable it to expand its coverage area to more closely approximate the DTV Table.

Accordingly, on March 17, 2008, KBMY submitted a Form 301 application for a construction permit to modify its post-transition facilities to operate from the St. Anthony Site. *See* FCC File No. BPCDT-20080317AFX. Because the St. Anthony tower cannot support an additional antenna, KBMY will not be able to construct its digital facilities until after it has terminated analog operations and has removed its existing analog antenna. KBMY therefore respectfully requests STA under the Commission's alternative buildout process so that it can operate temporarily from the Interim Site past February 17, 2009 while it completes construction of its final digital facilities at the St. Anthony Site.¹ *See* Order, ¶¶ 94-97. Grant of STA will ensure that Bismarck residents will continue to receive analog service from KBMY until February 17, 2009.

Under paragraph 94 of the Order, KBMY is eligible to pursue an alternative buildout. First, the station faces the unique technical challenge of removing its top-mounted analog antenna and replacing it with a top-mounted digital antenna. Given North Dakota's harsh

¹ KBMY also intends to file a Form 337 demonstrating that it faces a unique technical challenge preventing the completion of its DTV facilities and that it therefore requires an extension of its current construction permit from August 18, 2008 to February 17, 2009. *See* FCC File No. BPCDT-20080317AFX.

winter weather, KBMY faces an unusually short construction window.² Second, as demonstrated more fully in the attached Technical Exhibit, the proposed facilities at the Interim Site will provide service to at least 85 percent of the population currently receiving KBMY's analog service and at least 85 percent of the population to be served by KBMY's final post-transition facilities specified in Construction Permit BPCDT-20080317AFX. Accordingly, KBMY respectfully requests that the Commission grant STA under the Order's alternative buildout provisions so that KBMY may continue to provide service with the interim facilities specified herein to Bismarck viewers while the station installs a new digital antenna at its St. Anthony Site following the termination of analog service.³

² See Order, n. 284 (including stations with "towers in northern climates" within the scope of the Commission's definition of "unique technical challenges").

³ Because it will not be serving at least 100 percent of its current analog and proposed digital populations, KBMY will also broadcast the viewer notifications described in the Order. See Order ¶¶ 91, 94.