

KEVN, Inc.
Exhibit 39
Statement in Support of an STA Extension
KEVN-DT, Rapid City, SD
Facility ID No. 34347

KEVN, Inc. (“Licensee”), the licensee of Fox affiliate KEVN-DT, Rapid City, South Dakota, assigned DTV post-transition Channel 7 but currently operating digitally on Channel 18 (the “Station”), hereby requests an extension of previously granted Special Temporary Authority (“STA”) to operate the Station’s digital facilities at variance from authorized parameters. Extending Station’s STA through February 17, 2009 would be consistent with the Commission’s prior actions regarding Station and its digital channel allotment.

On May 13, 2005 and August 19, 2005, Licensee filed timely requests seeking extension of the Commission’s “use-it-or-lose” it deadline for buildout of its DTV facilities.¹ In those requests, Licensee demonstrated that the Station would be unable to satisfy the July 1, 2006 interim build-out requirement due to severe financial constraints. On May 18, 2007, the Commission granted Licensee a six-month waiver of its “use it or lose it” deadline on financial hardship grounds until November 2007.² On September 4, 2007, Licensee asked the Commission to extend its STA through the end of the digital transition.³ In response, the Commission extended Station’s STA through August 15, 2008. Meanwhile, on August 26, 2007, in its final DTV Table of Allotments, the Commission assigned the Station’s analog Channel 7 to it as its post-transition digital channel.⁴

As Licensee has informed the Commission, in order to maximize service to the public in a cost effective manner, its intention is to utilize the Station’s existing analog antenna for KEVN-DT’s post-transition digital operations. *See* Form 387, KEVN-TV (filed Feb. 17, 2008; updated June 25, 2008).⁵ Accordingly, it is not practical to cut-over to the authorized DTV facilities without having a total loss of analog service to the public. As previously noted, all equipment necessary for the DTV service has been ordered and delivery is scheduled for September.

¹ *See* Petition for Relief Seeking Extension of the July 1, 2006 Interim Digital Construction Deadline (filed May 13, 2005); Supplement to Petition for Relief (filed August 19, 2005); Further Supplement to Petition for Relief (filed July 7, 2006).

² *See* Order, *In the Matter of DTV Build-Out: Requests for Waiver of July 1, 2005 and July 1, 2006 “Use or Lose” Deadlines*, 22 FCC Rec. 9750 (2007) ¶¶ 43, 60, 67 (KEVN-DT “has met the requirements for waiver of the ‘use-or-lose’ deadline as [a] station[] experiencing financial hardship.”).

³ Request for Legal STA for KEVN-DT, KEVN, Inc., File No. 20070904AHT (filed Sept. 4, 2007).

⁴ *See* Seventh Report and Order, *In the Matter of Advanced Television Systems and their Impact upon the Existing Television Broadcast Service*, 2007 WL 2264470 (2007), at Appendix D5: Granted Requests for Alternative Channel Assignments.

⁵ The file numbers for these Form 387s are No. 20080219AME (KEVN-TV) and No. 20080625ABQ (KEVN-TV update).

Licensee therefore respectfully requests that the Commission harmonize its grant of STA and its reassignment of Licensee's digital channel by extending the Station's STA to continue its current low-power digital operations until the completion of the digital transition on February 17, 2009.