

EXHIBIT 38

Request for Approval for Commencement of Post-Transition DTV Operation

Station KCTS-TV/DT, Seattle, WA (Facility ID No. 33749)

KCTS Television respectfully requests approval for the commencement of post-transition DTV service for noncommercial educational television station KCTS-TV/DT, Seattle, Washington as of **June 11, 2009**, and per the “maximization” construction permit in File No. BMPEDT-20080620ABH. Station KCTS-TV is assigned pre-transition DTV Channel 41 and NTSC Channel 9, and will convert to DTV Channel 9 for post-transition operation. A special operating condition in the KCTS-DT maximization permit states that the station is not to commence operation pursuant to the authorization prior to midnight of the DTV transition date without prior Commission approval. Moreover, the FCC’s Third Report and Order in the matter of the Implementation of the DTV Delay Act¹ states that stations “must obtain Commission approval for operation of post-transition digital facility at any time prior June 12 at 11:59:59 pm.”

KCTS has already notified the FCC of its analog termination and digital conversion plans through its Analog Service Termination Notification filing and Form 387 DTV Transition Status Report update. KCTS plans to terminate analog service during the early morning period (12 pm to 6 am) on June 12, 2009, so that it may proceed with facility changes to complete its conversion to post-transition DTV operation. Accordingly, KCTS presently plans to commence post-transition DTV channel 9 operation in accordance with its maximization authorization (BMPEDT-20080620ABH) during the same early morning period on June 12, 2009. Therefore, and out of an abundance of caution, KCTS seeks special authority for commencement of the station’s post-transition DTV operation prior to 11:59 pm on June 12, 2009.

In accordance with *In the Matter of Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, KCTS believes that operation of its post-transition DTV facility will not cause impermissible interference to other stations and will allow KCTS to continue to serve existing viewers until the final DTV transition date.² Post-transition digital operation of KCTS will also ensure that the station complies in a timely manner with the final deadline for the commencement of full, authorized post-transition service.³

The commencement of post-transition DTV service by KCTS prior to 11:59 pm on June 12, 2009 will also serve the public interest in other ways. Early operation of KCTS-DT’s post-transition DTV service will allow KCTS to minimize both the duration of time that the station is off-air and the level of disruption to the community due to the scheduled analog termination. Moreover, the requested STA for early commencement will help KCTS facilitate a smooth DTV

¹ Third Report and Order and Order on Reconsideration, MB Docket No. 09-17, FCC 09-19 (Re. March 13, 2009).

² See Report and Order, MM Docket No. 07-91, FCC 07-228 (Rel. Dec. 31, 2007), at ¶ 121, et seq.

³ See *id.*

transition for local viewers, as staff will be available to identify and address any problems and consumer questions throughout the day on Friday, June 12. KCTS also plans to coordinate the analog termination for KCTS-TV with that of its sister station KYVE(TV), Yakima, Washington.

KCTS is a noncommercial educational licensee and operates KCTS-TV/DT on a noncommercial educational basis. The licensee is therefore exempt from FCC filing fee requirements, pursuant to Section 1.1114 of the Commission's Rules, and the facility is exempt from FCC regulatory fees, pursuant to Section 1.1162 of the Rules.