



FOX TELEVISION STATIONS, INC.

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A Unit of Fox Television

Shaun Maher, Esq.
Federal Communications Commission
Room 2-A820
445 12th Street, SW
Washington, DC 20554

Re: MB Docket No. 03-15

Dear Mr. Maher:

WDAF License, Inc. ("WDAF"), permittee of television station of WDAF-DT, Kansas City, Missouri, File No. BPCDT-19991004ABP, respectfully requests that the Commission waive the July 1, 2005 "use-it-or-lose-it" deadline for full-power DTV operation adopted by the Commission at paragraph 78 of the *Second DTV Periodic Review Report and Order of the Commission's Rules and Policies Affecting the Conversion To Digital Television*, MB Docket No. 03-15, RM 9832, released September 7, 2004 (19 FCC Rcd 18,279), pursuant to the procedure set out in Public Notice DA 05-1636, released June 15, 2005.

WDAF is one of Fox Television Stations, Inc.'s ("Fox") 35 owned and operated stations. WDAF-DT has been operating at low power from its studio tower pursuant to Special Temporary Authority ("STA"), File No. BEDSTA-20020905ACF, since April 2002, providing the requisite coverage of Kansas City. By this letter, extensions of WDAF-DT's STA and the above-referenced Construction Permit also are requested.

Initial structural analysis of WDAF's antenna tower revealed that the tower, even if strengthened, could not support full-power DTV equipment without an existing tenant vacating the tower. Achieving this end required protracted negotiations over a period of many months. In the interim, WDAF has ordered DTV equipment from three primary vendors, Dielectric Communications, Inc. ("Dielectric") (antenna, transmission lines, combiner), Axcera (transmitter) and Precision Communications, Inc. ("Precision") (installation, structural work, testing). Copies of purchase orders are attached hereto. The cost figures are redacted, as this is proprietary information. A paper copy of this letter also is being filed with unredacted copies of the documents. Fox respectfully requests that the cost figures in these documents be withheld from public inspection pursuant to Sections 0.457(d) and 0.459 of the Commission's Rules, 47 CFR Sections 0.457(d) and 0.459, as this information is proprietary and not otherwise available for public inspection.

WDAF has pressed its vendors for early deliveries. Nevertheless, their good faith estimates regarding their delivery schedules will put WDAF-DT beyond the July 1, 2005 deadline for full-power operation. All of the transmitter components were on site as of June 6, 2005. It will require Axcera technicians four weeks to install WDAF-DT's transmitter, completing the

project on July 6, 2005, already six days past WDAF-DT's July 1, 2005 deadline. Feedlines and components were delivered on June 10, 2005, and Dielectric has promised to deliver the DTV antenna by July 1, 2005. Precision Communications will order transmission line pieces and elbow complexes that must be custom fitted from Dielectric as required during installation. Precision Communications estimates that it will require sixty days from antenna arrival for installation on the tower, with September 1, 2005 as the target date for completion of installation. WDAF technicians estimate that two weeks for problem solving, testing and proof of performance, bringing WDAF-DT's anticipated on-air date to September 15, 2005.

In light of its financial commitment to WDAF-DT's full-power operation to date, WDAF's good faith cannot be called into question. As additional evidence of Fox's good faith, the Commission merely need look to its overall in implementing DTV to date:

- Twenty-five of Fox's owned and operated stations have met all applicable deadlines and currently are operating at full facilities;
- Of Fox's remaining ten owned and operated stations, eight are operating low-power DTV facilities pursuant to STA and will be fully operational within this calendar year, one is operating a low-power DTV facility and will meet its full-power deadline of July 1, 2006, and one, a satellite station that does not have a DTV channel allotment, will "flash cut" to DTV;
- All of Fox's DTV facilities implemented dynamic PSIP in a timely fashion;
- Fox has granted digital carriage rights to numerous multichannel video providers nationwide on behalf of all of its owned and operated stations and includes digital carriage provisions in all of its retransmission consent agreements.

As the foregoing illustrates, Fox's commitment to DTV implementation cannot be questioned, and the modest waiver of time sought for WDAF-DT's full-power operation should be granted.

Respectfully submitted,

Molly Pauker

Attachments