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July 1, 2005

FILED ELECTRONICALLY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

**Re: Waiver of July 1, 2005 Replication/Maximization Interference Deadline
MB Docket No. 03-15**

**Raycom National, Inc.
KHNL-DT, Honolulu, HI
Facility ID # 34867**

Dear Ms. Dortch:

Out of an abundance of caution and pursuant to the instructions set forth in Public Notice DA 05-1636,¹ Raycom National, Inc., licensee of KHNL-TV and permittee of KHNL-DT, Honolulu, Hawaii (“the station” or “KHNL”)² respectfully requests waiver of the Commission’s July 1, 2005, replication/maximization interference deadline to the extent it applies to the station.³

Raycom National, Inc., a wholly owned, direct subsidiary of Raycom Media, Inc. (collectively, “Raycom”), was granted a construction permit on March 16, 2000, to operate

¹ *DTV Channel Election Issues – Compliance with the July 1, 2005 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline*, Public Notice, DA 05-1636 (rel. June 15, 2005) (“*Interference Protection Notice*”).

² KHNL is the NBC affiliate in Honolulu, Hawaii, which is Nielsen DMA Market Rank # 71.

³ *See Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18279 (2004), at ¶¶ 78, 83 (“*DTV Biennial Review R&O*”).

KHNL's DTV facilities on Channel 35 (BPCDT-19991029AFK). As the Commission is aware and has publicly acknowledged, KHNL and the other television stations in Hawaii (including Raycom station KFVE-DT in Honolulu and satellite station KOGG-DT in Wailuku) have faced unique delays in finding viable sites for their DTV facilities.⁴ After confronting many and substantial difficulties – which included local ordinances that restrict where a DTV tower may be located, very limited site options for building a new DTV tower due to local terrain, intense community opposition to building a DTV tower at certain otherwise viable locations, and failed negotiations between various broadcasters seeking to develop a joint tower arrangement – Raycom ultimately located an acceptable site in 2004 for operation of KHNL and KFVE on land controlled by the State of Hawaii.

Upon locating an acceptable site for KHNL, Raycom still hoped to reach an agreement with other Honolulu broadcasters to use a joint DTV site at another location, and accordingly did not file a modification request to its existing construction permit, but rather sought Special Temporary Authority (“STA”) to begin DTV operations at that site (BDSTA-20041012AKG). The STA specified parameters designed to replicate KHNL's allotted replication facilities, and in its FCC Form 381 (BCERCT-20041105ATP), Raycom certified to provide such coverage on its post-transition DTV operation (BCERCT-20041105ATP). On Dec. 6, 2004, Raycom completed construction at the site and conducted equipment tests with the facilities authorized in the STA.⁵ While awaiting the issuance of necessary permits from the Hawaii Department of Land and Natural Resources needed to make electrical upgrades for sufficient power to operate both KHNL-DT and KFVE-DT, Raycom postponed commencement of program tests. Because of the unexpectedly lengthy processing required for those permits, however, Raycom decided in May 2005 to begin over-the-air programming solely on KHNL-DT.⁶ At the time, it was Raycom's understanding that because KHNL-DT was providing replication coverage pursuant to the STA, it would be in full compliance with the July 1, 2005 replication/ maximization deadline.

On June 15, 2005, the Commission issued a Public Notice clarifying certain aspects of the replication/maximization deadline. The Notice explained:

⁴ See *In re DTV Build-out; Requests for Extension of the Digital Television Construction Deadline; Commercial Television Stations with May 1, 2002 Deadline*, Order, 18 FCC Rcd 22705 ¶ 15 (2003).

⁵ See Letter from William H. Fitz, Counsel for Raycom National, Inc. to Marlene H. Dortch, Secretary, FCC (filed Dec. 6, 2004).

⁶ See Letter from Matthew S. DelNero, Counsel for Raycom National, Inc. to Marlene H. Dortch, Secretary, FCC (filed May 5, 2005).

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Unless a station has been granted a waiver of the July 1, 2005 interference protection deadline by the Commission, a station subject to that deadline must either have a license for its operating facilities by July 1, 2005 or by that date file with the Commission a license application or an application for modification to be followed shortly by a license application.⁷

To ensure that it would meet the deadline, Raycom thus filed an application to modify the KHNL construction permit (BMPCDT-20050629ABP) to specify operation at the STA site under the same parameters authorized in the STA. Raycom indicated that grant of the application would be followed shortly by a license application, in accordance with the Commission's recent Public Notice. The Commission has not yet granted the application for modification to the KHNL construction permit, and thus Raycom cannot at this time file a license for the replication facilities at which KHNL is operating.

It is Raycom's belief that the actions described above ensure KHNL's compliance with the July 1, 2005 replication/maximization deadline. Out of an abundance of caution, however, it requests waiver of the deadline in the event that the Commission determines that KHNL should already be operating on licensed facilities. "Good cause" exists for such waiver based on Raycom's demonstrated intent to operate licensed, replication facilities.

Please address any questions regarding this request to the undersigned.

Respectfully submitted,



Matthew S. DelNero
Counsel for Raycom National, Inc.

cc: Shaun Maher (via electronic mail)

⁷ *Interference Protection Notice at 2.*