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June 30, 2006

HAND DELIVERED

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Attn: Shaun Maher, Video Division, Media Bureau
Room 2-A820 – Shaun.Maher@fcc.gov

Re: MB Docket No. 03-15
Request for waiver of Replication/Maximization Interference Protection Deadline
Station KVCT-DT, Victoria, Texas – Facility ID No. 35846
BPCDT-19991027ACU, as modified, BMPCDT-20021107AAS

Dear Ms. Dortch:

Pursuant to the Commission's Public Notice, "DTV Channel Election Issues", DA-06-1255, released June 14, 2006, I am writing on behalf of Surtsey Media, LLC, licensee of Station KVCT(TV), Victoria, Texas, to request a waiver of the replication/maximization interference protection deadline of July 1, 2006. As set forth below, despite diligent good faith efforts to meet that deadline, circumstances beyond Surtsey's control have prevented it from completing construction of the digital television ("DTV") facilities specified in its above-referenced construction permit (File No. BPCDT-19991027ACU, as modified, BMPCDT-20021107AAS).

I have been advised by Brian J. Weber, the Chief Engineer of Station KVCT(TV), of the following. Surtsey's DTV construction permit specifies an omnidirectional radiation pattern for a Channel 11 signal on an existing tower. That tower is three-sided. More than six months ago Surtsey identified an antenna manufacturer, Systems With Reliability ("SWR"), which could provide either a four-panel or a three-panel antenna system capable of producing an omnidirectional signal consistent with the permit. Surtsey then arranged, in December, 2005, for a structural analysis of the tower to be used in order to determine which of the two alternative antenna systems would be best suited. That analysis required multiple discussions among SWR (the antenna manufacturer), Dielectric and its successor, Tower Innovations (collectively, the

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tower company) and Mr. Weber concerning, *inter alia*, the non-KVCT equipment which would be loaded on the tower, the precise specifications for the SWR antennas under consideration for KVCT-DT, the design of the mounting hardware for each of those antennas, and related matters.

Based on the structural analysis which was provided by the tower company in early March, 2006, Surtsey determined that the three-panel antenna would provide the most expeditious, cost-effective approach. Accordingly, that antenna was ordered in early April, 2006, and Mr. Weber continued his efforts to arrange for the necessary modifications to the tower to accommodate that antenna. In a meeting in April, 2006, with representatives of SWR, the tower company and Rio Steel and Tower (which would perform the actual modifications), Mr. Weber was assured that it was anticipated that all work could be completed in time to meet the July 1, 2006 DTV deadline. However, because of difficulty encountered by Mr. Weber in contacting and resolving some details concerning the tower work, the precise scope of that work was not agreed to until June 1, 2006.

The tower company has advised Mr. Weber that the necessary supplies for the tower modification and antenna installation will be delivered approximately six-to-eight weeks following the June 1, 2006 placement of the order. It is expected that the tower modifications will require three-to-four weeks to complete, and the antenna (and line) installation an additional one-to-two weeks. Based on these projections, Surtsey believes that its permanent DTV installation will be completed by mid-September.

Surtsey's DTV antenna has been ordered and built. The mounting brackets are being fabricated. The necessary transmission line, mounting hardware, and associated accessories were ordered through RF Specialties of Pennsylvania in May, 2006, but have not yet been delivered.

Surtsey's DTV transmitter was ordered in early January, 2006. Mr. Weber has been notified by the transmitter manufacturer that shipment, originally set for June 23, may be delayed by at least several days because of overwhelming demands on the manufacturer.

Surtsey submits that the foregoing establishes good cause for waiver of the replication/maximization deadline. Surtsey has taken diligent steps, starting more than six months ago, to assure that all necessary equipment and professional assistance would be available in a timely fashion to meet the July 1, 2006 deadline. The major components of the necessary equipment – *i.e.*, the DTV antenna and transmitter – have been completed and should be available for installation in the immediate future. However, unanticipated delays arising from the unexpectedly complex tower modification aspect of the project have prevented Surtsey from meeting the deadline. Nevertheless, Surtsey is committed to completing the tower modifications and equipment installation at the earliest possible date. The facilities which Surtsey expects to have ready for full operation will comply fully with the Commission's replication/maximization

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requirements. Surtsey therefore requests a six-month waiver of the deadline in order to permit it to complete that process.

Please call me if you have any questions about any of the foregoing matters.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Cole", written over the printed name "Harry K. Cole".

Harry K. Cole

Counsel for Surtsey Media, LLC

cc: Shaun Maher, Video Division, Media Bureau
Shaun.Maher@fcc.gov