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June 28, 2006

**VIA HAND DELIVERY AND ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Room TW-A325  
Washington, DC 20554

RECEIVED

JUN 28 2006

Federal Communications Commission  
Office of Secretary

**Re: Request for Waiver of Replication/Maximization Interference  
Protection Deadline, MB Docket No. 03-15  
KEPR-DT, Pasco, Washington (FIN: 56029)**

Dear Ms. Dortch:

On behalf of Fisher Broadcasting – Washington TV, L.L.C. (“Fisher”), permittee of digital television station KEPR-DT, Pasco, Washington, this letter hereby requests a temporary six-month extension and waiver of the July 1, 2006 replication/maximization interference protection deadline. *See* Public Notice, DA 06-1255 (rel. June 14, 2006). As discussed below, a waiver is warranted because the commencement of full-power operations has been delayed by factors beyond the licensee’s control and would be in the public interest. The station is currently operating its digital facility pursuant to Special Temporary Authority (“STA”), which expires on July 1, 2006, and on June 16, 2006, Fisher filed a request to extend the STA for another six months so that the station may continue to serve the public until completion of final construction.

KEPR-DT is unable to complete construction of its digital facilities because it has not yet received its digital antenna from the manufacturer. In April 2006, Fisher placed a order with Dielectric for the manufacture of the station’s antenna, which is necessary for completion of its full-power operation. On June 13, 2006, Dielectric confirmed that it had misplaced Fisher’s order for a digital antenna and, therefore, could not complete construction of the antenna and deliver it until August 2. *See* Attachment A. As a result of the manufacturer’s delay, KEPR-DT is unable to complete construction of the digital facilities prior to the July 1, 2006 replication/maximization deadline. Upon receipt of the antenna, Fisher will complete the installation expeditiously and will file the necessary digital license application.

For the above reasons, Fisher submits that good cause exists for the grant of this waiver request. Fisher has diligently pursued the construction of its full-power facilities, but has been delayed by factors beyond its control. *See, e.g.*, Instructions, Application for

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List A B C D E

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Extension of Time to Construct Digital Television Broadcast Station, FCC Form 337, 2 (“equipment delivery delays, unavailability of work or tower crews, and tower safety and other construction delays” are technical obstacles warranting the extension of DTV construction deadlines); *see also, Requests For Further Extension of the November 1, 2000, Digital Television Construction Deadline*, 16 FCC Rcd 8122, at ¶ 11 (2001) (delays of equipment delivery and lack of available construction crews are circumstances beyond the licensee’s control warranting the extension of DTV construction deadlines). Therefore, given the licensee’s good faith efforts to deploy a digital facility, and the importance of ensuring that viewers continue to receive digital signals, the public interest would be served by the grant of this waiver request and allowing KEPR-DT the additional time to comply with the replication/maximization deadline.

Should there be any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

  
Kimberly A. Lacey

cc: (w/attachments)  
Shaun Maher (via electronic mail)

535000-0000810

## **Attachment A**

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**From:** Warren.Bottorff@dielectric.spx.com  
**Sent:** Tuesday, June 13, 2006 12:53 PM  
**To:** Alford, Kelly  
**Cc:** Tamara.White@dielectric.spx.com; Mary.Morelli@dielectric.spx.com;  
Jay.Martin@Dielectric.spx.com; Thelma.Sibley@dielectric.spx.com  
**Subject:** Re: Hello?

Kelly,

Sorry for the confusion- Customer Service should have contacted you with an Order Acknowledgement by now.

We received the KEPR order and an engineering kick off is scheduled for 1:00 PM Central today. I'll have a delivery date after the meeting and email to you.

KIDK Idaho Falls is currently scheduled for August 3 shipment.

Sorry for the delay in confirming these orders.

For information or order status you may contact Tammy White, Customer Support Specialist at 207 655 8124 or contact me directly.

Thanks,  
Warren Bottorff  
Regional Sales Manager, Western Region  
Dielectric Communications  
Phone: 817 421 6670, Fax:817 421 8619  
email: warren.bottorff@dielectric.spx.com

"Alford, Kelly" <KAlford@FSCI.com>

06/13/2006 10:07 AM

To <Warren.Bottorff@dielectric.spx.com>  
cc  
Subject Hello?

Warren,

I've made several requests regarding the delivery schedules for the DTV antennas at KIDK, and KEPR, but have received no response back from you. The last I heard there was some sort of mix-up related to the KEPR order, to which I forwarded confirmation of a signed order and down payment.

So what is the status? Our Washington DC attorneys must file extension requests soon if delivery and installation isn't possible, but I need some form of delivery schedule and confirmation that our orders are confirmed as an exhibit. Please respond back ASAP.

6/28/2006

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**From:** Warren.Bottorff@dielectric.spx.com  
**Sent:** Tuesday, June 13, 2006 1:28 PM  
**To:** Alford, Kelly  
**Subject:** Re: Hello?

Kelly,

KEPR, Pasco is scheduled to ship August 2.

Thanks,  
Warren Bottorff  
Regional Sales Manager, Western Region  
Dielectric Communications  
Phone: 817 421 6670, Fax:817 421 8619  
email: warren.bottorff@dielectric.spx.com

6/28/2006