

July 6, 2006

VIA ELECTRONIC FILING

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

Re: Request for Waiver of July 1, 2006 Replication/Maximization
Interference Deadline
MB Docket No. 03-15

54 Broadcasting, Inc.
Station KNVA(TV)
Austin, TX
Facility ID No. 144

Dear Ms. Dortch:

On behalf of 54 Broadcasting, Inc. ("54 Broadcasting"), the licensee of Station KNVA(TV), Austin, Texas,¹ and pursuant to the instructions set forth in *Public Notice*, DA 06-1255,² it is respectfully requested that a waiver be granted, to KNVA, of the Commission's July 1, 2006 replication/maximization interference deadline to the extent that it applies to the Station.³

54 Broadcasting is currently authorized to operate paired DTV Station KNVA-DT pursuant to Special Temporary Authority ("STA"), permitting the Station to transmit at 190 kW effective radiated power ("ERP") on Channel 49, using a non-directional antenna (File No.

¹ KNVA is currently the WB Network affiliate in the Austin DMA. It will become the Austin DMA affiliate of the CW Network in the fall of 2006.

² *DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline*, DA 06-1255 (rel. June 14, 2006) ("Interference Protection Notice").

³ See *Second Periodic Review of the Commission's Rules & Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18,279 at ¶ 78 (2004) ("DTV Biennial Review R&O").

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BDSTA-20021030ACM). The Station's construction permit, however, permits a power of 500 kW ERP, with the use of a directional antenna (File No. BPCDT-19991025ADB).

In preparing to build out its digital facilities, neighboring station KCEN(TV), Temple, Texas, secured permission to change its DTV allotment from Channel 50 to Channel 9, which eliminated the need for KNVA to operate with a directional antenna to avoid interference to KCEN(TV) and other broadcasters. Accordingly, 54 Broadcasting intended to apply for a modification of its construction permit to permit the Station to serve even more viewers using an ERP of 500 kW and a non-directional antenna. By the time that the Commission issued its *Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes*,⁴ however, 54 Broadcasting had not yet been able to file such a modification application.

Thus, although 54 Broadcasting had purchased the omnidirectional antenna necessary to provide digital service to a much greater area and population, the DTV freeze prevented it from modifying its construction permit to allow it to operate at a maximized power of 500 kW ERP. KNVA has, however, applied for a construction permit modification to authorize operation while complying with the existing freeze (File No. BMPCDT-20060623AAC). KNVA's engineering consultants have determined that the power level described in that application, 197 kW ERP, represents the highest level at which KNVA can operate during the digital freeze. As discussed in the engineering exhibit to that application, the proposed operation will encompass 92% of the land area and 96% of the population within the maximized area certified to in KNVA's pre-election certification form, bringing KNVA virtually in compliance with the maximization deadline. However, the Commission has not yet granted that modification application. In the meanwhile, KNVA operates under the STA parameters at 190 kW ERP.⁵

Once the DTV freeze is lifted, or if the Commission indicates that it is willing to grant a waiver of the freeze, 54 Broadcasting will apply for an additional modification to increase power to 500 kW ERP. Upon commencing operation at that level, KNVA will fully serve its maximized service area.

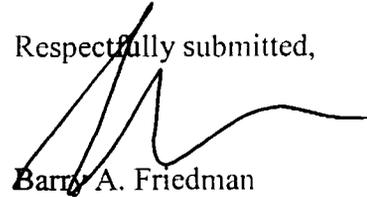
⁴ *Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes*, Public Notice, DA 04-2446 (rel. Aug. 3, 2004).

⁵ A request to extend the existing STA will be submitted to the Commission simultaneously herewith.

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Based on the above-described circumstances that are out of licensee's control, and licensee's demonstrated intent to provide maximum service to viewers in its post-transition digital service area, good cause exists for waiver of the maximization deadline.

Respectfully submitted,



Barry A. Friedman

Counsel for 54 Broadcasting, Inc.

cc: Mr. Shaun Maher, FCC Video Division (via electronic mail)