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July 7, 2006

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**ELECTRONICALLY FILED  
(VIA ECFS)**

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

**Re: MB Docket No. 03-15  
KGWN-DT, Cheyenne, Wyoming (Facility ID No. 63166)  
Request for Waiver of Replication/Maximization Interference  
Protection Deadline**

Dear Ms. Dortch:

On behalf of SagamoreHill Broadcasting of Wyoming/Northern Colorado, LLC (“SagamoreHill”), the permittee of digital television (“DTV”) station KGWN-DT, Cheyenne, Wyoming (Facility ID No. 63166), we hereby request a waiver of the July 1, 2006 replication/maximization interference protection deadline.<sup>1</sup>

KGWN currently operates on NTSC channel 5 and DTV channel 30. As a digital television permittee that has received a tentative channel designation on its current digital channel, KGWN is subject to the requirement that it commence operations with full, authorized DTV facilities by the applicable interference protection deadline.<sup>2</sup>

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<sup>1</sup> See Public Notice, *DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline*, DA 06-1255 (rel. June 14, 2006); Public Notice, *DTV Channel Election Issues – Media Bureau Extends Filing Deadline for Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline to July 7, 2006*, DA 06-1372 (rel. June 29, 2006).

<sup>2</sup> See *Second Periodic Review of the Commission’s Rules and Regulations Concerning the Transition to Digital Television*, MB Docket No. 03-15, FCC 04-192, ¶ 78 (rel. Sept. 7, 2004) (“*Second Periodic Review*”).

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KGWN is in the nation's 197th largest DMA. KGWN-DT's original construction permit (the "Original CP"),<sup>3</sup> obtained by the station's prior licensee, specifies an antenna height above average terrain ("HAAT") of 189 meters. The construction plans specified in the Original CP were based on assessments of the tower's strength available at that time. More recent tower analyses show, however, that the tower cannot physically support the permitted facilities. Indeed, SagamoreHill would have to construct a new tower to build out KGWN-DT according to the Original CP. The economics of operating in one of the nation's smallest DMA's cannot support such an expense.

Accordingly, on July 7, 2006, SagamoreHill filed an application to modify its outstanding construction permit to specify facilities that can be constructed on the existing tower (the "Modification Application").<sup>4</sup> The DTV facilities specified in the Modification Application provide service to 99.1% of the population served by the facilities specified in the Original CP.<sup>5</sup> While the approach outlined in the Modification Application avoids the need for new tower construction, it does involve significant expense. Specifically, SagamoreHill must make substantial upgrades to the existing tower in order to construct and operate KGWN-DT pursuant to the Modification Application. Nonetheless, in light of the tower difficulties described above, the need to construct KGWN-DT's facilities as quickly as possible, and the *de minimis* population loss that will result from the proposed changes, SagamoreHill believes that the facilities specified in the Modification Application represent the most expedient and prudent path to completing KGWN-DT's buildout.

The Modification Application is pending. Once the application is granted, SagamoreHill will move expeditiously to construct and initiate operation with KGWN-DT's modified facilities. In this regard, SagamoreHill believes it can complete complete KGWN-DT's buildout within six months of grant of the Modification Application.

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<sup>3</sup> FCC File No. BPCDT-19991029ACA.

<sup>4</sup> FCC File No. BMPCDT-20060707ADA.

<sup>5</sup> *See id.*

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Based on the foregoing, SagamoreHill submits that good cause exists for the Commission to grant a waiver of the replication/maximization interference protection deadline for KGWN-DT. In particular, SagamoreHill respectfully requests that the Commission continue to protect KGWN-DT's contour to the extent specified in the Modification Application. Then, SagamoreHill may continue to work to complete KGWN-DT's buildout as quickly as possible without concern that the station's interference protection will be limited to the area currently served by the station's reduced-power DTV STA.<sup>6</sup>

If there are any questions concerning this matter, please contact the undersigned.

Sincerely,

/s/ Todd M. Stansbury

Todd M. Stansbury

cc (by email): Shaun Maher

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<sup>6</sup> See FCC File No. BDSTA-20030514AEK, as extended. In the meantime, SagamoreHill wishes to continue operating KGWN-DT's reduced-power facilities. Accordingly, SagamoreHill has filed an application to extend the station's reduced-power STA. See FCC File No. BEDSTA-20060703ADA.