

LAW OFFICES

COHN AND MARKS LLP

ROBERT B. JACOBI
ROY R. RUSSO
RONALD A. SIEGEL
LAWRENCE N. COHN
RICHARD A. HELMICK
J. BRIAN DE BOICE
JEROLD L. JACOBS
KEVIN M. GOLDBERG

SUSAN V. SACHS

DIRECT DIAL:
202-452-4823

**SUITE 300
1920 N STREET N.W.
WASHINGTON, D.C. 20036-1622**

TELEPHONE: (202) 293-3860
FACSIMILE: (202) 293-4827
HOME PAGE: WWW.COHNMARKS.COM

OF COUNSEL:
MARCUS COHN (1913-2001)
LEONARD H. MARKS (1916-2006)
JOEL H. LEVY
ELLEN MANDELL EDMUNDSON

EMAIL ADDRESS:
jerold.jacobs@cohnmarks.com

September 26, 2006

Marlene H. Dortch, Secretary
Federal Communications Commission
Portals II, Filing Center, TW-A325
Washington, D.C. 20554

**Re: El Paso Public Television Foundation (FRN 0007-0922-73)
Station KCOS-DT, El Paso TX Facility ID #19117
Request for Dismissal of Request for Waiver of the
Replication/Maximization Interference Protection Deadline**

Dear Ms. Dortch

On June 29, 2006, in accordance with the procedures set forth in *Public Notice, DA 06-1255 (DTV Channel Election Issues)*, released June 14, 2006, El Paso Public Television Foundation ("El Paso"), permittee of Station KCOS-DT, El Paso, Texas, filed a request for a six-month waiver of the July 1, 2006 replication/maximization interference protection deadline established by the Commission in Paragraph 78 of the *Second DTV Periodic Review Report and Order*, 19 FCC Rcd 18279 (2004).

On July 28, 2006, El Paso filed a Form 302-DTV license application (File No. BLEDT-20060728ACA) in compliance with the application requirements of the *Public Notice* (KCOS-DT was already in Paragraph 78 operational compliance). Commission staff has informed El Paso that, under these circumstances, the subject waiver request is not necessary. Hence, El Paso respectfully requests dismissal of its June 29, 2006 waiver request.

Please direct any communications or correspondence concerning this matter to the undersigned.

Sincerely

Jerold L. Jacobs

Jerold L. Jacobs
Counsel for El Paso Public Television
Foundation

Marlene H. Dortch, Secretary
September 26, 2006
Page 2

cc: Shaun Maher, Esq. (FCC - via e-mail)