



1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

Virginia Office
7925 JONES BRANCH DRIVE
SUITE 6200
McLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wrf.com

October 13, 2006

John M. Burgett
202-719-4239
jburgett@wrf.com

VIA ELECTRONIC FILING

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

**Re: MB Docket No. 03-15
KVOS-DT, Bellingham, Washington (Facility Id. No. 35862)
Request for Waiver of Replication/Maximization Interference
Protection Deadline**

Dear Ms. Dortch:

On behalf of Ackerley Broadcasting Operations, LLC (“Ackerley”), the permittee of digital television (“DTV”) station KVOS-DT, Bellingham, Washington, we hereby request a waiver of the replication/maximization interference protection deadline applicable to KVOS-DT.¹

Pursuant to paragraph 84 of the *Second Periodic Review Report and Order*, KVOS-DT is subject to a DTV replication/maximization deadline of November 4, 2006, the expiration date specified in the station’s outstanding full-power DTV construction permit, BMPCDT-20060106AAF. *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, ¶ 84 (rel. Sept. 7, 2004). As explained below, because of circumstances outside of Ackerley’s control, KVOS-DT’s full-power DTV facilities will not be completed until at least March 2007. Accordingly, Ackerley requests a brief extension of time within which to commence operations with the facilities specified in KVOS-DT’s full-power DTV construction permit.

Station KVOS-DT is authorized to operate within Moran State Park from a mountaintop site that is privately owned by Mt. Constitution Sites, Inc. (“MCSI”).²

¹ Station KVOS-DT is currently operating at reduced power with the facilities specified in BDSTA-20020826ABQ, as extended. A request for further extension of its special temporary authority to operate with these facilities is pending. *See* BEDSTA-20060626ABH.

² Ackerley originally had planned to build KVOS-DT’s full-power DTV facilities at the same site where the station’s NTSC facilities are located. *See* BPCDT-19991101AGI. After a dispute with Washington State Parks and Recreation Commission, the owner of that site, Ackerley modified

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In May 2006, MCSI agreed to erect a new 500-foot tower and transmitter building at the site and to lease the tower and building to Ackerley upon their completion. At the time, it was reasonably expected that MCSI would complete both the tower and the transmitter building well in advance of KVOS-DT's November 4 full-power deadline. MCSI encountered some difficulties, however, securing a contract with a builder and, consequently, the commencement of construction was delayed. Moreover, during construction, the owner of MCSI died suddenly, which resulted in further delay.

Despite the delays, substantial progress has been made. Construction of the new tower was completed in July, and Ackerley has installed its DTV antenna and transmission line. Construction of the transmitter building is still in progress, however, and MCSI does not expect to finish the building until February, assuming that bad weather does not otherwise hinder access to the mountaintop site.

Ackerley is working diligently with MCSI to complete the KVOS-DT transmitter building promptly, and is prepared to install the station's transmitter and commence full-power DTV operations as soon as the building is finished. Barring any unforeseen circumstances, Ackerley hopes to file a license application to cover the station's DTV construction permit by March 2007.

Accordingly, Ackerley respectfully requests a brief waiver of the replication/maximization interference protection deadline to allow completion of the KVOS-DT full-power DTV facilities. Concurrent with this waiver request, Ackerley is filing a Form 337 application for an extension of time to construct the facilities specified in KVOS-DT's outstanding construction permit.

(Continued . . .)

the KVOS-DT construction permit to relocate the station's DTV facilities to the site owned by MCSI. *See* BMPCDT-20060106AAF.

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

Respectfully submitted,

/s/ John M. Burgett

John M. Burgett

cc: Shaun Maher (via e-mail)