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February 28, 2007

FILED ELECTRONICALLY

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

**Re: TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST –
REQUEST FOR EXTENSION
MB Docket No. 05-317**

**KHNL/KFVE License Subsidiary, LLC
KHNL-DT, Honolulu, HI
Facility ID #34867**

Dear Ms. Dortch:

Pursuant to the procedures set forth in Public Notice DA 05-2979 and Order DA 06-2232,¹ KHNL/KFVE License Subsidiary, LLC (a subsidiary of Raycom Media, Inc., or “Raycom”), licensee of KHNL-TV and permittee of KHNL-DT, Honolulu, Hawaii (“the station” or “KHNL”) respectfully requests renewal of the waiver of Section 339(a)(2)(D) of the Communications Act to prohibit testing of KHNL’s digital signal coverage to decide whether a satellite system may deliver a distant digital signal to a viewer within the Grade B contour of KHNL’s analog signal. KHNL is the NBC affiliate in Honolulu, Hawaii.

Raycom seeks this waiver because KHNL’s digital signal coverage continues to be limited due to the clear and unremediable presence of “clear zoning or environmental legal

¹ See *TV Station Requests for Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004 to be Filed by November 30, 2005 or February 15, 2007*, Public Notice, 20 FCC Rcd 18077 (2005) (“*Waiver Notice*”); *Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004*, Order, MB Dkt. No. 05-317, DA 06-2232 (rel. Oct. 31, 2006) (“*Extension Order*”).

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impediments.”² The Media Bureau recognized these impediments when it granted the original digital signal testing waiver³ and the renewal,⁴ and these circumstances have not changed.

Specifically, an ordinance passed in the 1980s by the Honolulu City Council prevented construction of any new television towers within the Honolulu city limits. Along with other Honolulu television station licensees, Raycom sought to identify an adequate site at which it could build digital facilities. One such site was ruled out after public service agencies objected on the grounds that building out at the site would cause interference to the agencies’ radio frequencies. Plans for another site had to be abandoned over concerns about causing interference to a nearby FCC monitoring station and after environmental opposition arose.

Raycom has located a permanent site for KHNL’s maximized digital facilities, but because of limitations on tower space, it will not be able to move until the end of the digital transition. Raycom has secured an agreement from a landowner to construct the digital facilities of KHNL (and sister station KFVE) on land that Raycom already leases for the analog operations of KFVE(TV). The tower on which KFVE(TV) operates, however, cannot accommodate additional antennae. Consequently, KHNL’s digital facilities have been constructed on a less desirable site. Once the digital transition occurs, KHNL will be able to relocate to the tower currently used for KFVE(TV)’s analog antenna. Until that time, some viewers within KHNL’s analog service contour will continue to be unable receive KHNL’s digital signal.

* * *

For the reasons set forth herein, and as the Commission has already recognized, KHNL’s digital signal coverage continues to be limited due to the unremediable presence of clear zoning or environmental legal impediments. Accordingly, Raycom respectfully requests that the Commission extend the waiver exempting KHNL from digital signal testing in accordance with Section 339(a)(2)(D)(viii) of the Act.

² See 47 U.S.C. § 339(a)(2)(D)(viii)(II), providing that clear and convincing evidence of such impediments provide a basis for waiver of testing under Section 339(a)(2)(D)(vii).

³ See *Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004*, Order, 21 FCC Rcd 4813, at ¶ 21 (rel. May 1, 2006) (“*Waiver Order*”).

⁴ See *Extension Order* at ¶ 9.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer A. Johnson". The signature is written in a cursive, flowing style.

Jennifer A. Johnson

Eve R. Pogoriler

Counsel for KHNL/KFVE License Subsidiary, LLC

cc: Nazifa Sawez