

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
Advanced Television Systems and) MB Docket No. 87-268
their Impact upon the Existing)
Television Broadcast Service)

**PETITION FOR RECONSIDERATION OF DTV SEVENTH REPORT
AND ORDER BY HUBBARD BROADCASTING, INC. FOR KAAL-DT**

KAAL-TV, LLC, a wholly-owned subsidiary of Hubbard Broadcasting, Inc. ("Hubbard") and licensee of KAAL-DT Austin, MN (Facility ID No. 18285) ("KAAL"), by its undersigned attorneys, submits this Petition for Reconsideration of the Seventh Report and Order in the above-referenced proceeding¹ as it relates to KAAL. Hubbard is filing this Petition for Reconsideration at the suggestion of the Commission.² KAAL operates its licensed analog facilities on Channel 6 and has a pending license application for its DTV facilities on Channel 33. However, KAAL elected Channel 36 for its post-transition DTV operations, and the Commission approved that election. The DTV Table of Allotments adopted in the Seventh Report and Order reflects this election.

¹ See *Advanced Television Systems and their Impact Upon the Existing Broadcast Service, Seventh Report & Order and Eighth Further Notice of Proposed Rulemaking*, MB Docket No. 87-268, FCC 07-138 (rel. August 6, 2007) ("Seventh Report and Order").

² David O'Connor of Holland & Knight LLP received a call from Nazifa Sawez on October 19, 2007. Ms. Sawez called to suggest that Hubbard file this Petition for Reconsideration of the DTV Table after she reviewed Hubbard's comments filed *In the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television Notice of Proposed Rulemaking*, MB Docket No. 07-91, FCC 07-70 (rel. May 18, 2007) ("Third DTV Periodic NPRM").

In order to facilitate a smooth transition for KAAL's viewers, Hubbard proposes to operate post-transition using the existing Channel 36 transmitting facilities of station KTTC-DT, Rochester, MN. KTTC-DT will return to its analog channel for post-transition operations. The proposed new KAAL DTV facilities differ from those assigned by the Commission. For this reason, KAAL is unable to complete its lease negotiations with KTTC-DT. Therefore, Hubbard respectfully requests that the Commission amend the DTV Table of Allotments to reflect the specifications in the attached Technical Exhibit.

The benefits of granting this Petition are enormous. First, there would be no service disruptions to KAAL analog and digital viewers. If KAAL is required to construct Channel 36 facilities at the location specified in the DTV Table, KAAL analog and digital viewers will experience service disruptions. KAAL's analog facilities and current DTV facilities on Channel 33 are both located on the same tower. Each would need to be dismantled in advance of the February 17, 2009 deadline to allow construction of the post-transition Channel 36 facilities. Moreover, due to Minnesota's harsh winter weather, this would need to begin well before October 2008, meaning a substantial loss of local and network programming for KAAL's viewers for a significant period of time. Then in the future, if KAAL moved its Channel 36 operation to the new site, viewing would be disrupted again.

Second, by collocating KAAL at the KTTC site, new over-the-air antenna installations will be much less complex for viewers, and many will be able to reuse old antennas. Third, utilizing existing facilities saves valuable resources, such as tower crew time, at a critical period when demand will likely exceed supply. Fourth, it allows facilities and equipment to be fully utilized instead of being abandoned for parts, and it prevents the unnecessary building of duplicate facilities. Finally, Hubbard emphasizes that the granting of this Petition serves the

public interest for the reasons stated, especially since this proposal allows KAAL analog and digital viewers uninterrupted programming during the transition period.

Hubbard notes that this proposal does exceed the current 0.1 percent interference standard in relation to one station, WLEF-DT, Channel 36, Park Falls, WI (Facility ID No. 63046) (0.5 percent). Hubbard has notified WLEF-DT of this Petition. Presuming the Commission adopts the 0.5 interference standard as it tentatively concluded in the Third DTV Periodic Review NPRM,³ Hubbard respectfully urges the Commission to consider this Petition under that new interference standard because it is compliant with that standard. In the alternative, Hubbard respectfully requests that the Commission grant KAAL a waiver in the public interest for the reasons previously outlined.

Respectfully submitted,
HUBBARD BROADCASTING, INC.



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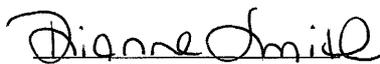
³ See Third DTV Periodic Review NPRM at Executive Summary, p. 4. "We tentatively conclude to adopt a new 0.5 percent interference standard to apply to maximizations and to new channel allotments after the transition."

Attachment
Technical Exhibit

CERTIFICATE OF SERVICE

I, Dianne Smith, an employee of Holland & Knight LLP, hereby certify that on October 26, 2007, I caused to be sent via first class United States mail, postage prepaid, a copy of the foregoing "Petition for Reconsideration of DTV Seventh Report and Order by Hubbard Broadcasting, Inc. for KAAL-DT" to the following:

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