



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

7925 JONES BRANCH DRIVE
McLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wileyrein.com

November 15, 2007

Gregory L. Masters
202.719.7370
gmasters@wileyrein.com

**ELECTRONICALLY FILED
(VIA ECFS)**

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

Re: **MB Docket No. 03-15
FCC 07-90
Request for Extension of Use or Lose Waiver and Interference
Protection for Authorized DTV Facility
KIMT-DT, Mason City, Iowa (Facility ID No. 66402)**

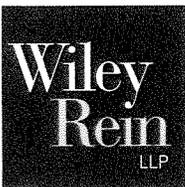
Dear Ms. Dortch:

On behalf of NVT Mason City Licensee, LLC (“NVT”), the licensee of digital television (“DTV”) station KIMT-DT, Mason City, Iowa (Facility ID No. 66402), we hereby request an extension of the use-or-lose waiver and continued interference protection for the digital television (“DTV”) facility to which KIMT-DT certified in its Form 381 filing.

Pursuant to the Commission’s June 14, 2006 Public Notice,¹ MG Broadcasting, LLC (“MG”), KIMT’s previous licensee, requested a waiver of the July 2006 use-or-lose deadline based on circumstances that were beyond its control.² Specifically, MG informed the Commission that it was unable to construct DTV facilities at the site originally specified in the station’s DTV construction permit because of revised tower loading standards.

¹ 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 at 3 (rel. June 14, 2006).

² See Letter from Tobias Kleitman to Marlene H. Dortch, MB Docket 03-15, KIMT-DT, Mason City, Iowa, (Facility ID No. 66402), dated June 30, 2006 (the “June 2006 Letter”).



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As stated in its June 2006 Letter, MG did not learn of the structure loading issues concerning KIMT's tower until after the Commission implemented a freeze on contour expansion requests. Unfortunately, the only tower suitable for KIMT's digital facilities required an expansion of the digital facility's contour beyond that currently authorized. Thus, in its application for minor modification of KIMT-DT's construction permit to specify a new transmitter site, MG requested that the Commission also waive the freeze on requests for contour expansion so that MG could duplicate the facilities to which it certified in its Form 381 filing.³

Although it had not yet acted on MG's minor modification application, on May 18, 2007, the Commission granted KIMT-DT (by that time licensed to NVT) a six month waiver of the use-or-lose replication/maximization interference protection deadline.⁴ With the clock ticking on KIMT's original DTV construction permit (which specified a facility that could no longer be built) and the filing freeze still in effect, NVT had little choice but to amend KIMT's pending minor modification application to reduce the station's power, thus eliminating any expansion of its contour beyond that to which MG previously certified. It did so, the Commission granted the construction permit, and NVT has completed construction and sought a license to cover its new digital facility.⁵

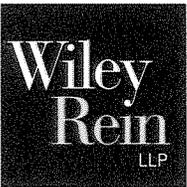
NVT has *never* intended to seek a permanent reduction in its service area. Instead, NVT resolved competing regulatory pressures by seeking what it intended to be a temporary reduction of power in order to facilitate the Commission's grant of a construction permit for its final DTV facility. NVT intends promptly, once it is able to do so, to apply to make the necessary modifications to complete construction of the DTV facility to which the station certified.

Therefore, NVT respectfully requests an extension of KIMT-DT's use-or-lose waiver and continued interference protection for its certified DTV facilities until the

³ See File Nos. BCERCT-20041105ALM & BMPCDT-20060509AAH.

⁴ *DTV Build-Out; Requests for Waiver of July 1, 2005 and July 1, 2006 "Use or Lose" Deadlines Requests for Waiver of the August 4, 2005 "Checklist" Deadline*, Order, FCC 07-90 at 12, 13-15, and Appendix B (rel. May 18, 2007).

⁵ See File No. BLCDDT-20071113AEE.



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freeze on DTV expansion applications is lifted and NVT is able to apply for and construct the facilities to which MG certified.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Matthew L. Gibson", with a long horizontal line extending to the right.

Gregory L. Masters

Matthew L. Gibson