

LAW OFFICES  
**SCHWARTZ, WOODS & MILLER**  
SUITE 610, THE LION BUILDING  
1233 20TH STREET, N.W.  
WASHINGTON, D.C. 20036-7322

LAWRENCE M. MILLER  
STEVEN C. SCHAFFER  
MALCOLM G. STEVENSON

TELEPHONE 202-833-1700  
FACSIMILE 202-833-2351  
WRITER'S EMAIL: [stevenson@swmlaw.com](mailto:stevenson@swmlaw.com)  
WRITER'S EXTENSION: 202

OF COUNSEL  
ROBERT A. WOODS  
TAX COUNSEL  
MARK B. WEINBERG  
LOUIS SCHWARTZ  
(1918 - 2004)

November 16, 2007

**ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals Building, Room TW-B204  
445-12th Street, S.W.  
Washington, D.C. 20554

Re: MB Docket 03-15  
Station KMVT-DT  
Twin Falls, Idaho  
Facility ID 35200  
FCC File No. BPCDT-19991012ABD

Request for Extension of Waiver of July 1, 2006 Replication/Maximization  
Deadline

Dear Ms. Dortch:

Neuhoff Family Limited Partnership (Neuhoff), permittee of Station KMVT-DT, Twin Falls, Idaho, through its attorneys, hereby respectfully requests an extension through and including February 17, 2009 of the waiver of the Commission's July 1, 2006 replication/maximization deadline granted by the Commission in its Order released May 18, 2007 (FCC 07-90) granting numerous stations waivers on a variety of grounds.<sup>1</sup> Neuhoff submitted its initial waiver request in accordance with the policies articulated by the Commission in the Second Periodic Review of the Commission's Policies Affecting the Conversion to Digital Television, 19 FCC Rcd 18279 (2004) (Second Periodic Review), and the Public Notice released June 14, 2006 (DA 06-1255),

---

<sup>1</sup> See Order at Appendix A. It may be noted that the Order at paragraph 45 refers to Station "KMTV-DT, Flagstaff, Arizona"; however, there is no such station in Flagstaff and the Order later (para. 85) correctly refers to "KMTV-DT, Omaha, Nebraska". The discussion at paragraph 45 addresses the situation set forth by Neuhoff in its waiver request.

titled "DTV Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline". Specifically, waiver was requested and granted on the basis of financial hardship in accordance with Paragraph 87 of the Second Periodic Review.

The instant request is entirely consistent with the Commission's own conclusion that the time has come to look forward to the end of the transition and, accordingly, to facilitate to the extent possible broadcasters' successful transition to permanent DTV service. See generally Notice of Proposed Rulemaking, MB Docket 07-91, FCC 07-70, released May 18, 2007 (Notice). In particular, the Commission has tentatively concluded that "stations that have not completed construction of full, authorized facilities on their pre-transition channel may be excused from completion of construction if this is not their post-transition channel . . . and be permitted to carry-over protection to their full, authorized facilities." Notice at para. 2. Further details regarding application of this approach to stations whose post-transition channel is different from their pre-transition channel are laid out in the Notice at paras. 60-66.

As noted in its initial request, KMVT-DT operates in the Twin Falls market, which is Nielsen Market Number 192 in the nation. It currently operates on DTV Channel 16 pursuant to a digital low power STA grant first made by the FCC in May 20, 2003. It has tentatively been designated for operation on its analog Channel 11 as its permanent digital channel.

Neuhoff assumed control of the station in August of 2004. To date, it has invested well over \$600,000 in needed capital improvements in the facility and expects to expend approximately \$1,200,000 to complete the transition to digital service, substantially more than originally estimated. As a broadcast licensee operating on a limited budget in a small market, Neuhoff faces substantial hurdles to making the transition from analog to digital service and has worked with due diligence to achieve it. It would not be prudent to purchase a transmitter for full power Channel 16 operation that could not be used for VHF DTV operation.

In the latter regard, Neuhoff had evaluated the possible purchase of the transmitter equipment necessary to upgrade KMVT-DT to satisfy the FCC's current 80% coverage requirement applicable to a station such as KMVT-DT which plans to operate on a permanent DTV channel other than its currently assigned channel. Such a transmitter would have been usable in the operation of a low power station currently operated by Neuhoff. In this manner, Neuhoff would have been able to comply with the FCC's mandate while making efficient and effective use of limited capital funds. Neuhoff had intended to complete the purchase and installation of this transmitter by March 1, 2007. However, upon further study, it was determined that the additional power modules necessary for 80%-compliant KMVT-DT operation would simply have to be discarded; this would be a substantial waste of scarce resources for a small-market licensee such as Neuhoff.

In any event, it should be stressed that Neuhoff is committed to the DTV transition and fully intends to implement DTV service on Channel 11 in accordance with its authorization for that facility. A continuation of the current waiver will permit Neuhoff to commit maximum resources directly to the complete upgrade of KMVT-DT, Channel 11.

For all of the foregoing reasons, Neuhoff submits that waiver of the replication/maximization deadline would well serve the public interest.

Please address any questions concerning this matter to this office.

Respectfully submitted,

SCHWARTZ, WOODS & MILLER

By:   
Malcolm G. Stevenson 

cc: Shaun Maher, FCC  
MGS/nmc