

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. SCHAFER  
MALCOLM G. STEVENSON

TELEPHONE 202-833-1700  
FACSIMILE 202-833-2351  
WRITER'S EMAIL: miller@swmlaw.com  
WRITER'S EXTENSION: 213

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

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**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  
Public Station KSMQ-DT  
Austin, Minnesota  
Facility ID 28510  
FCC File No. BEPEDT-20030228AAC  
Request for Extension of Waiver of Replication/Maximization Deadline

Dear Ms. Dortch:

KSMQ Public Service Media, Inc. (KSMQ), permittee of noncommercial educational Station KSMQ-DT, Austin, Minnesota, through its attorneys, hereby respectfully requests an extension through and including May 18, 2008, 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. KSMQ 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), 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.

SMQB intends to increase its facilities on its current DTV channel prior to the end of the transition so as to meet the 100 percent requirement of paragraph 78 of the Order for licensees that receive a tentative DTV channel designation in the channel election process on their current digital channels. However, due to circumstances beyond its control, SMQB has been unable to complete this construction, and so has sought additional time in which to achieve its ultimate DTV facilities. By these filings, SMQB seeks to retain the right to construct maximized facilities on its tentative DTV channel designation.

SMQB is a non-profit 501(c)(3) organization that serves one of the smallest markets in the public broadcasting system. It acquired the station from a school district licensee in May 2005 and is working to secure additional financial support for the station. It needs additional time to complete construction of its maximized facility due to the extraordinary financial burden that maximization presents. The station is now operating at reduced power under STA.

It would be an extraordinary financial hardship for the licensee to construct the full CP facilities at this time. Modification of facilities in accordance with the construction permit will cost from \$632,000 to over \$760,000. In addition, operation at full power will cost in excess of an additional \$25,000 per year in electricity and other operating costs. The licensee's annual budget is slightly over \$1,000,000, so expenses of that size would represent an extreme financial burden. The permittee submitted with its previous request detailed information with respect to estimated costs and the licensee's budget. The licensee is continually seeking to raise grant funding for the maximization project.

Unfortunately, since the original request for extension additional complications have arisen. The licensee only recently learned that its current build-out plan would not accommodate the entire 400kw of maximization and it had to redesign the installation. It will be able to go up in power in stages. After planned installation of equipment next month, the station will be able to broadcast at 319kW. At this point the capital and operating costs of increasing power further to 400 kW are daunting given the station budget. In fact, a need to maximize to 400 kW could have a devastating impact on the long-term future of this station. The permittee believes that it may be able to serve its area well at the intermediate power, without maximizing to 400 kW, but will need to test and then, if that is the case, resolve with the Commission the possibility in these circumstances of capping power at that level. If it is determined that the station must maximize as originally planned, it will need to apply for grants through PTFP, DDF, or other sources.

Accordingly, for the foregoing good cause shown, SMQB submits that an extension of the waiver of the replication/maximization deadline will serve the public interest and should be granted.

Respectfully submitted,

SCHWARTZ, WOODS & MILLER



By: \_\_\_\_\_  
Lawrence M. Miller

cc: Shaun Maher, FCC  
LMM/nmc