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Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Room TW-A325
Washington, DC 20554

**Re: Request for Extension of Waiver of the "Use or Lose" Deadline
MB Docket No. 03-15
KIMA-DT, Yakima, Washington (FIN #56033)**

Dear Ms. Dortch:

On behalf of Fisher Broadcasting-Washington TV, L.L.C. ("Fisher Washington"), licensee of television broadcast station KIMA-TV, Channel 29 and permittee of digital television station KIMA-DT, Channel 33, Yakima, Washington, this letter is to request an extension of the six-month waiver of the July 1, 2006 replication/maximization interference protection deadline (the "use or lose" deadline) granted to the licensee in the Commission's *Use or Lose Order*.^{1/}

Fisher Washington is authorized to operate KIMA-DT with a maximum directional effective radiated power ("ERP") of 20 kilowatts and an antenna radiation center height above average terrain of 278 meters. See FCC File No. BMPCDT-20060706AFQ. The licensee is currently operating KIMA-DT as authorized except that the station is operating with a maximum directional ERP of 12.5 kilowatts. Even so, the station is currently providing coverage to 96.2% of its NTSC service area. Moreover, as the licensee disclosed in its pending request for extension of the KIMA-DT construction permit, it has experienced difficulties in obtaining its full-power digital transmitter from

^{1/} *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, 41 CR 590 (2007) ("Use or Lose Order").*

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the manufacturer. *See* FCC File No. BEPCDT-20070323ABL. Subsequent to the filing of the extension request, the transmitter continued to be in development, and the manufacturer remained unable to set a timely delivery date. Thus, Fisher Washington decided to abandon negotiations with that manufacturer. Upon assessing the situation, the licensee has determined that any further increase in power in order to replicate the remaining 3.8% of its NTSC service area would impose an unjustified, extremely burdensome expense and consequently, has filed an application for modification of the KIMA-DT construction permit to reflect current operating facilities. *See* FCC File No. BMPCDT-20071113AEK. Once that application is granted, the licensee will expeditiously file a license application for those facilities.

For these reasons, Fisher Washington respectfully requests that the Commission grant it a waiver of the "use or lose" deadline so as to permit the grant of its pending application for modification of the KIMA-DT construction permit and the filing of a covering license application.

Should there be any questions regarding this matter, please contact either of the undersigned.

Respectfully submitted,



Clifford M. Harrington
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