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November 19, 2007

**VIA HAND DELIVERY AND ELECTRONIC FILING**

FILED/ACCEPTED

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Federal Communications Commission  
Office of the Secretary

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

**Re: Request for Extension of Waiver of Replication/Maximization  
Interference Protection Deadline, MB Docket No. 03-15  
KFTR-DT, Ontario, California (FIN: 60549)**

Dear Ms. Dortch:

On behalf of Telefutura Los Angeles LLC (“Telefutura”), permittee of digital television station KFTR-DT, Ontario, California, this letter hereby requests 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 station in the Commission’s *Use or Lose Order*.<sup>1/</sup>

Telefutura filed a request for waiver of the “use or lose” deadline on June 27, 2006. In its waiver request, the licensee explained that KFTR-DT was originally allotted Channel 46 for its digital operations and obtained a construction permit for digital facilities on that channel in 2000. *See* FCC File No. BPCDT-19991029AFX. At the station’s request, the Commission subsequently substituted Channel 29 for Channel 46 in the DTV Table of Allotments as KFTR-DT’s digital allocation. *See Amendment of Section 73.622(b), Table of Allotments Digital Television Broadcast Stations (Ontario, California)*, Report and Order, 17 FCC Rcd 14330 (2002). Consistent with the Commission’s Report and Order, on October 28, 2002, the station filed an application for minor modification of construction permit to construct digital facilities on Channel 29. *See* FCC File No. BMPCDT-20021028ABV. That application remains pending, and the

<sup>1/</sup> *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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FCC's staff has previously advised Telefutera that Mexican concurrence has not been received.

In its *Use or Lose Order*, the Commission granted the station an additional six months to comply with the "use or lose" deadline. Specifically, the Commission stated:

At the time that they filed their waiver requests, certain stations were unable to complete construction of their DTV facilities because they were awaiting action on pending modification applications. A few of these modification applications remain pending but most have been granted. In all cases, the stations could not complete construction of their DTV facilities until their modified DTV construction permit was issued. In each of these cases, we find that the station took the necessary steps to complete the processing of its proposal, but that because of a pending Commission matter, the station was unable to timely complete construction.

*Use or Lose Order* at ¶ 41. Thus, the Commission's grant of a six-month extension was based on the assumption that all such pending applications had either been granted or would soon be granted, thereby giving the licensees ample time to complete construction of their digital facilities prior to the expiration of the waiver.

Given that KFTR's application has still not been granted, Telefutera submits that good cause exists for extension of its waiver. Telefutera has diligently pursued the construction of its full-power facilities, but has been delayed by factors beyond its control. *See, e.g.*, Instructions, Application for Extension of Time to Construct Digital Television Broadcast Station, FCC Form 337, at 2 ("Among the problems found in specific instances to warrant the granting of additional time to construct have been such . . . legal obstacles as delays in obtaining required governmental (e.g. FAA, Canadian and Mexican) clearances."); *see also Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18279, at ¶ 110 (2004) (acknowledging that delays in international coordination have delayed the construction and licensing of multiple DTV stations). In addition, while waiting for grant of its construction permit application, KFTR-DT has commenced operation pursuant to Special Temporary Authority so that it can serve the public in the interim.

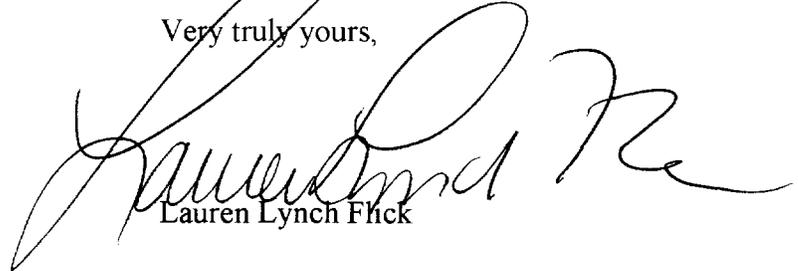
Given the licensee's good faith efforts to deploy a digital facility, and the importance of ensuring that viewers continue to receive digital signals, the public interest would be served by granting an extension of this waiver request and allowing KFTR-DT additional time to comply with the replication/maximization deadline.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Lauren Lynch Fick", written in a cursive style. The signature is positioned above the printed name.

Lauren Lynch Fick

cc: Shaun Maher (via electronic mail)

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