

Educational Broadcasting Foundation, Inc. ("EBFI"), licensee of NCE station WLAE, channel 32, and permittee of WLAE-DT, channel 31, each New Orleans, LA ("WLAE" or the "Station"), for the reasons explained below, hereby requests a further waiver of the July 1, 2006 deadline (the "use it or lose it" deadline) established for it to construct and operate digital television ("DTV") facilities in order to retain interference protection within its replication or maximization service area.

EBFI received an initial waiver by Commission Order in FCC 07-90 extending its "use it or lose it" deadline to November 18, 2007. That waiver was granted based upon destruction of the Station's completed certified DTV facilities by Hurricane Katrina in 2005. EBFI subsequently obtained in the 7th Report & Order in MB Docket 87-268, released on August 6, 2007, Commission amendment of the post-transition DTV Table Appendix B to specify maximized facilities for WLAE of 200 kW ERP.

Unique technical challenges were required in restoring the digital operations of WLAE which prevent it from operating at its maximized DTV facilities of 200 kW ERP until the end of the DTV transition on February 17, 2009. The limited federal and private grants that it received to replace WLAE's operating facilities required EBFI to acquire an NTSC analog transmitter that can be reprogrammed by its manufacturer to operate as a digital transmitter following termination of WLAE's analog transmissions. The combination of the reprogrammed transmitter and WLAE's existing digital transmitter will allow the Station to achieve 200 kW ERP, a level which cannot be achieved by use solely of the existing digital transmitter.

EBFI has completed its maximization requirements other than to increase WLAE's power level to 200 kW ERP. It cannot fully satisfy that requirement prior to the end of the DTV transition without prematurely discontinuing its analog service, which would eliminate the ability of many viewers in the New Orleans service area who still have only analog television sets to receive its signal at all. EBFI will readily supply upon request any additional supporting information which the Commission may desire.

For the other foregoing reasons, EBFI respectfully requests a further waiver of the "use it or lose it" deadline until the end of the DTV transition on February 17, 2009 by which to construct and operate its maximized DTV facilities. The Commission in its Order FCC 07-90 has granted such an extension to other stations facing unique technical challenges similar to those faced by WLAE.