

AKIN GUMP
STRAUSS HAUER & FELD LLP

Attorneys at Law

TOM W. DAVIDSON
202.887.4011/fax: 202.955.7719
tdavidson@akingump.com

April 15, 2008

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: MB Docket No. 05-317
KAUZ-TV, Wichita Falls, Texas, Facility ID No. 6864
TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST

Dear Ms. Dortch:

Hoak Media of Wichita Falls License, LLC (“Hoak”), the licensee of KAUZ-TV, Wichita Falls, Texas, Facility ID No. 6864, by its attorneys, hereby requests a further six-month waiver of the July 15, 2007 digital signal testing implementation date (“Testing Deadline”) to prevent satellite subscribers from conducting a digital signal strength test of KAUZ-DT for purposes of obtaining a distant network signal. The instant extension request is sought pursuant to Section 339(a)(2)(D) of the Communications Act (“Section 339”), as amended by the Satellite Home Viewer Extension and Reauthorization Act of 2004 (“SHVERA”), and actions by the Federal Communications Commission (“FCC”).¹

In February 2007, Hoak requested that the FCC waive the Testing Deadline as it applies to KAUZ-DT because KAUZ-DT’s digital signal coverage was limited due to the necessity of using a side-mounted antenna.² The FCC’s Media Bureau granted Hoak’s request and extended

¹ See, e.g., 47 U.S.C. § 339(a)(2)(D), as amended by Section 204 of SHVERA; Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004, *Order*, MB Docket 05-317, DA 07-3201 (rel. Jul. 13, 2007) (“*First Waiver Order*”); Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004, *Order*, MB Docket 05-317, DA 08-111 (rel. Jan. 16, 2008) (“*Second Waiver Order*”).

² See Letter to Ms. Marlene H. Dortch, Secretary, FCC, from Tom W. Davidson, Esq. re KAUZ-TV, Wichita Falls, Texas, Facility ID No. 6864, MB Docket 05-317 (filed Feb. 15, 2007) (“*Waiver Request*”). Hoak subsequently supplemented the *Waiver Request* to provide information on the population and area presently served by KAUZ-DT’s pre-transition DTV facilities. See Letter to Ms.

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the digital signal testing implementation date for KAUZ-DT to January 15, 2008.³ Specifically, the FCC found that KAUZ-DT's inability to serve 17.1 percent of its pre-transition coverage area and 31.5 percent of its predicted population because of the side-mounted position of its antenna constituted a substantial reduction in coverage area and thus justified grant of a digital testing waiver.⁴ In January 2008, the Media Bureau reiterated this conclusion and granted a further six-month extension of the Testing Deadline for KAUZ-DT, until June 15, 2008.⁵

Section 339 provides that a station may obtain an extension of a temporary waiver of satellite subscriber digital signal testing if "the station's digital signal coverage is limited due to the unremediable presence of one or more" statutory criteria.⁶ One criterion is whether "the station experiences a substantial decrease in its digital signal coverage area due to the necessity of using a side-mounted antenna."⁷ Hoak requests a further six-month waiver of digital signal testing on the basis of this criterion because KAUZ-DT's signal coverage remains limited due to its need to use a side-mounted antenna until the end of the DTV transition.

As explained in Hoak's initial waiver request, Hoak had to side-mount KAUZ-DT's antenna on the tower's lower and wider base because the top tower mast position is occupied by the KAUZ-TV antenna.⁸ Unfortunately, the width of the tower at this lower position partially impedes KAUZ-DT's signal, and thus reduces the number of viewers that KAUZ-DT can reach. Hoak cannot remedy this signal blockage at this time because the tower, a relatively small tower, cannot support the weight of the digital antenna and necessary transmission line at another location. For this reason, Hoak intends to use its current analog antenna position as the position for its post-transition digital antenna. However, KAUZ-DT must wait until KAUZ-TV ceases operation before it can assume use of the position currently occupied by the KAUZ-TV antenna. In short, KAUZ-DT continues to experience the same reduction in coverage area as was reported in its initial waiver request, as supplemented. Accordingly, because KAUZ-DT's signal coverage continues to be "limited" due to its need to use a side-mounted antenna and its plans to use its

Marlene H. Dortch, Secretary, FCC, from Tom W. Davidson, Esq. re KAUZ-TV, Wichita Falls, Texas, Facility ID No. 6864, MB Docket 05-317 (filed Jul.2, 2007) ("*Supplement to Waiver Request*").

³ *Waiver Order*, at ¶ 27.

⁴ *Waiver Order*, at ¶ 27.

⁵ *See Second Waiver Order*, at ¶ 19.

⁶ 47 U.S.C. § 339(a)(2)(D)(viii).

⁷ 47 U.S.C. § 339(a)(2)(D)(viii)(V).

⁸ *See Waiver Request*, at 2-3.

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NTSC antenna position for its post-transition operations, a further six-month waiver of satellite subscriber digital signal testing is warranted.

Please do not hesitate to contact the undersigned with any questions regarding this matter.

Sincerely,

/s/ Tom W. Davidson
Tom W. Davidson, Esq.