



April 15, 2008

By Electronic Filing

Marlene H. Dortch
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

**Re: Television Station Section 339(a)(2)(D)(viii) Waiver Request
KVAL-DT, Eugene, OR (FIN: 49766)
MB DOCKET NO. 05-317**

Dear Ms. Dortch:

On behalf of Fisher Broadcasting – Oregon TV, L.L.C., the permittee of Station KVAL-DT, Eugene, Oregon (“KVAL”), and pursuant to Section 339 (a)(2)(D) of the Communications Act of 1934 (the “Act”), as amended by the Satellite Home Viewer Extension and Reauthorization Act of 2004 (“SHVERA”),¹ the purpose of this correspondence is to request an extension of the six-month waiver that was previously granted to the station with regard to digital signal strength testing of KVAL-DT’s signal.² Good cause exists for the instant waiver request because it meets the waiver criteria under Section 339(a)(2)(D)(viii)(IV).

In its Form 381 filing, KVAL-DT certified that it would construct the maximization facilities in FCC File No. BPCDT-2000427ABM.³ Through the digital channel election process, KVAL-DT has been assigned its analog channel for post-transition operation. Accordingly, pursuant to the Commission’s July 1, 2006 “use-it-or-lose-it” deadline, KVAL-DT was obligated to construct facilities serving 80 percent of

¹ See 47 U.S.C. § 339(a)(2)(D) as amended by Section 204 of SHVERA.

² See *Waiver of Digital Testing Pursuant to the Satellite Home Viewer And Reauthorization Act of 2004*, 23 FCC Rcd 396 (Media Bureau 2008).

³ See FCC File No. BCERCT-20041104ALE.



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the 1997 population on which their replication facilities were based.⁴ KVAL-DT is prevented from installing a top-mounted DTV antenna by the top-mounted analog antenna currently in use. Accordingly, KVAL has substantially met the obligation to serve approximately 80 percent of its replication population through the use of a facility utilizing a side-mount DTV antenna, operating with a directionalized pattern at reduced power.⁵ As was previously demonstrated, the 41 dBu contour of the station's current facility does not cover a substantial portion of the 41 dBu contour proposed in the station's construction permit. Accordingly, the station is currently serving approximately 459,296 of the 581,488 persons in its authorized contour. This represents a reduction of some 20% of the station's predicted service population when fully constructed on the station's final DTV channel.

Accordingly, the reduced coverage achieved by the KVAL-DT current DTV operation results in a substantial decrease in its digital coverage area and a continued waiver of the digital testing procedures of SHVERA is respectfully requested.

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

Very truly yours,

/s/
Lauren Lynch Flick

*Counsel for Fisher Broadcasting – Oregon
TV, L.L.C.*

⁴ See Public Notice, DTV Channel Election Issues-Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline, DA 06-1255 (June 14, 2006).

⁵ See FCC File No. BMPCDT-20060706AFS.