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August 7, 2008

FILED ELECTRONICALLY

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST
REQUEST FOR EXTENSION
MB Docket No. 05-317**

**KHNL/KFVE License Subsidiary, LLC
KOGG-DT, Wailuku, HI
Facility ID #34859**

Dear Ms. Dortch:

KHNL/KFVE License Subsidiary, LLC (a subsidiary of Raycom Media, Inc., or “Raycom”), licensee of KOGG-TV and permittee of KOGG-DT, Wailuku, Hawaii (“the station” or “KOGG”) respectfully requests renewal of the waiver of Section 339(a)(2)(D) of the Communications Act to prohibit testing of KOGG’s digital signal coverage to decide whether a satellite system may deliver a distant digital signal to a viewer within the Grade B contour of KOGG’s analog signal. KOGG is a satellite of KHNL, the NBC affiliate in Honolulu, Hawaii.

As the Media Bureau has recognized, KOGG’s digital signal coverage continues to be limited due to the clear and unremediable presence of “clear zoning or environmental legal impediments.”¹ Because these impediments continue, renewal of the waiver of Section 339(a)(2)(D) is warranted.

¹ See 47 U.S.C. § 339(a)(2)(D)(viii)(II), providing that clear and convincing evidence of such impediments provide a basis for waiver of testing under Section 339(a)(2)(D)(vii). See also *Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004*, MB Dkt. No. 05-317, Orders, 21 FCC Rcd 4813, at ¶ 21 (2006); 21 FCC Rcd 12894 at ¶ 9 (2006); 22 FCC Rcd 8430 at ¶ 8 (2007); 22 FCC Rcd 18941 at ¶ 8 (2007); and Letter from Barbara A. Kreisman to Raycom, DA 08-1015 (April 30, 2008).

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Raycom encountered significant environmental and zoning obstacles from government and local interests in its efforts to find a suitable location for KOGG's digital facilities. These obstacles included (1) the state government's ban on co-location of DTV facilities with the associated analog facilities on Mt. Haleakala; (2) environmental, community, and cultural groups' opposition to the first alternative site selected for construction of the DTV facilities; (3) concerns from University of Hawaii and Department of Defense astronomy observatories about the use of a second alternative site; and (4) objections from several groups (including the State Department of Land and Natural Resources) over the selection of a third alternative site.

Raycom has identified a suitable site for KOGG's digital facilities. This site is the Ulupalakua Ranch site. The station has received a construction permit for the Ulupalakua Ranch site.² One regulatory approval remains outstanding: the approval of the U.S. Fish and Wildlife Service ("USFWS"). Raycom understands that the USFWS has requested formal consultation with the Commission to determine whether broadcast operations at the site specified in the construction permit would impact endangered species. Raycom understands that this process is anticipated to conclude by October 1. In the event that USFWS approval is obtained by October 1, Raycom expects that it will be able to install the antennas and commence digital operations by early November. Because KOGG's digital signal coverage continues to be limited due to the clear and unremediable presence of "clear zoning or environmental legal impediments," we respectfully request an extension of the digital signal testing waiver in accordance with Section 339(a)(2)(D)(viii) of the Act.

* * *

Respectfully submitted,



Jennifer A. Johnson

Eve R. Pogoriler

Counsel for KHNL/KFVE License Subsidiary, LLC

cc: Nazifa Sawez

² See FCC File No. BMPCDT-20061206AAH. The FCC Form 301 Minor Modification noted that the environmental analysis addressed only "the potential for radiofrequency electromagnetic field exposure," with all other aspects of the environmental processing analysis to be provided separately by the tower owner.