



Federal Communications Commission  
Washington, D.C. 20554

FILED/ACCEPTED

FEB 13 2009

Federal Communications Commission  
Office of the Secretary

DA 08-2561

Released: December 15, 2008

Lauren Lynch Flick  
Counsel for Fisher Broadcasting-Oregon TV, L.L.C.  
2300 N Street, N.W.  
Washington, D.C. 20037

Re: MB Docket No. 05-317

Dear Ms. Flick:

By letter dated October 15, 2008, Fisher Broadcasting-Oregon TV, L.L.C., licensee of KCBY-DT, Coos Bay, Oregon requested an extension of its waiver of Section 339(a)(2)(D) of the Communications Act of 1934, as amended, to prohibit satellite subscribers from receiving or conducting a digital signal strength test of KCBY-DT's digital signal.<sup>1</sup> The Commission granted the original digital signal testing waiver based on the fact that the station's digital signal coverage was limited due to the necessity to use a side mounted antenna.<sup>2</sup> The Commission has granted the licensee two six-month extensions.<sup>3</sup> In its most recent extension request, the licensee states that it continues to experience loss of approximately 20 % of its predicted population coverage due to its use of a side mounted antenna and that it is prevented from installing a top mounted digital antenna because its analog antenna is currently installed in that position and will continue to operate there until February 17, 2009 when the digital transition takes place.

Accordingly, IT IS ORDERED that the request of Fisher Broadcasting IS GRANTED and the first permissible date for digital testing for KCBY-DT IS EXTENDED until February 18, 2009. No further extensions of this waiver should be necessary.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

<sup>1</sup> See 47 U.S.C. § 339 (a)(2)(D)(viii), as amended by Section 207 of the Satellite Home Viewer Extension and Reauthorization Act of 2004 ("SHVERA"), 47 U.S.C. § 339.

<sup>2</sup> See *Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004*, 22 FCC Rcd 12918, 12925 (MB 2007).

<sup>3</sup> See *Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004*, 23 FCC Rcd 396, 400 (MB 2008); Letter to Lauren Lynch Flick, DA 08-1277 (June 6, 2008).