

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Implementation of the DTV Delay Act) MB Docket No. 09-17
)
)

To: Office of the Secretary

COMMENTS OF KTVU PARTNERSHIP REGARDING KICU-DT

KTVU Partnership (“Cox”), licensee of television station KICU-DT, San Jose, California, by its attorneys, hereby submits these comments regarding the above-captioned *Second Report and Order and Notice of Proposed Rule Making* released February 20, 2009.¹ Herein, Cox simply asks that the Commission complete processing by March 23, 2009 of its request for special temporary authority (“STA”)² to operate on its post-transition channel so that the station can implement full facilities by August 18, 2009.

Under the “phased transition” provisions of the *Third DTV Periodic Review*, a station could operate facilities temporarily at less than fully authorized if the station faced a “unique technical challenge.”³ These “phased” STAs were set to expire on August 18, 2009, six months after the originally scheduled February 17, 2009 analog termination date. In the *Second Report and Order*, however, the Commission apparently decided not to extend the August 18, 2009 “phased” deadline even though the transition was extended to June 12, 2009.⁴ Stations with

¹ *Implementation of the DTV Delay Act*, MB Docket 09-17 *et. al.*, Second Report and Order and Notice of Proposed Rulemaking, FCC 09-11 (rel. Feb. 20, 2009) (“*Second Report and Order*”).

² See FCC File No. BDSTA-20090302AAR.

³ *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, 23 FCC Rcd 2994, ¶ 94 (2007) (“*Third DTV Periodic Review*”).

⁴ *Second Report and Order*, ¶ 37.

