

ORIGINAL

April 5, 2011

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

FILED/ACCEPTED

APR - 5 2011

Federal Communications Commission
Office of the Secretary

RE: Request for Waiver of Receive-Site Beyond 80 km Co-Channel Protection
Station KBAB-LD (the "Station")
Santa Barbara, California (FIN: 14003)
ET Docket Nos. 04-186 and 02-380

Dear Ms. Dortch:

Pursuant to the *Second Memorandum Opinion and Order* in ET Docket Nos. 04-186 and 02-380, 15 FCC Rcd 18661 (2010) ("SMO&O"), Biltmore Broadcasting Santa Barbara, Inc. ("Biltmore") hereby requests a waiver to allow inclusion of the Station's receive site in the TV bands database. The Station receives and retransmits the signal of Noncommercial Educational Station KOCE-TV, Huntington Beach, California. The receive site for the Station is more than 80 km from the protected contour of KOCE.

Biltmore believes that the grant of this waiver request is in the public interest because the Station is retransmitting the valuable programming of KOCE. KOCE is a leading noncommercial station that includes the programming of the PBS service and other educational programming. The Santa Barbara DMA is one where there is no NCE station licensed to the DMA or otherwise available to over-the-air viewers.

The service Biltmore is providing, in making available the only OTA NCE television service in the market, is unique and deserving of special consideration on the Commission's part. Biltmore is of the opinion that there should be sufficient white spaces available for use by the white spaces service and that the availability of KOCE's unique programming service deserves to be considered as meriting a limited restriction on white spaces availability.

Biltmore respectfully requests that a waiver be provided the Station's receive site in order to "protect the reception of over-the-air TV signals that are redistributed through" the Station. SMO&O at 18680.

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Should there be any questions in regard hereto, please communicate with the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Barry A. Friedman', written over a horizontal line.

Barry A. Friedman

cc: ECFS Docket Filing
Mr. Alan Stilwell, FCC