



Federal Communications Commission  
Washington, D.C. 20554

**DA 09-2593**

**Released: December 15, 2009**

Benjamin D. Arden  
Counsel for MMK License LLC  
1666 K St., N.W.  
Suite 1200  
Washington, D.C. 20006

Re: MB Docket No. 05-317

Dear Mr. Arden:

By letter dated October 14, 2009, MMK License LLC (“Max Media”), licensee of WNKY-DT, Bowling Green, Kentucky 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 WNKY-DT’s digital signal.<sup>1</sup> The Commission granted the original digital signal testing waiver based on the fact that no satellite carrier is providing the retransmission of the analog signals of local broadcast network stations in WNKY’s market.<sup>2</sup> The Commission has granted the licensee four six-month extensions.<sup>3</sup> In its most recent extension request, the licensee states that the situation remains unchanged and no satellite carrier is offering local-into-local satellite service in WNKY’s market.<sup>4</sup> We note that the provisions regarding distant signal carriage in SHVERA expire on December 31, 2009.<sup>5</sup> Therefore, we will extend the waiver until that date.

Accordingly, IT IS ORDERED that Max Media’s request IS GRANTED and the first permissible date for digital testing for WNKY-DT IS EXTENDED until January 1, 2010.

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, 12923 (MB 2007).

<sup>3</sup> See *Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004*, 23 FCC 396, 399 (MB 2008); Letter to Benjamin D. Arden, DA 08-1275 (June 6, 2008); Letter to Benjamin D. Arden, DA 08-2560 (December 15, 2008); Letter to Benjamin D. Arden, DA 09-1229 (June 2, 2009).

<sup>4</sup> WNKY is in the Bowling Green Kentucky DMA.

<sup>5</sup> See 17 U.S.C. § 119 note.