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October 21, 2003

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals Building, Room 2-A622  
445-12th Street, S.W.  
Washington, D.C. 20554

Re: Station KTWU-DT  
Topeka, Kansas  
Facility I.D. No. 70938  
FRN No. 0003879061

Dear Ms. Dortch:

On behalf of Washburn University of Topeka, licensee of noncommercial educational Station KTWU-DT, Channel \*23, Topeka, Kansas, we hereby request a waiver for six months, until May 1, 2004, of the simulcasting requirement of Section 73.624(f) of the rules, which is effective for public television stations as of November 1, 2003. See *Order in MM Docket No. 03-15*, released April 29, 2003. At paragraph 6 of the order the Commission stated:

In the event the Commission has not yet acted on the simulcasting issues raised in the Second DTV Periodic NPRM by November 1, 2003, and in the event some NCE stations decide to request a waiver for an additional period of time, we will consider those requests at that time on their individual merit

Station KTWU-DT currently broadcasts a high-definition channel and a single digital channel. On the high-definition channel, during the day the station broadcasts the Public Broadcasting Service (PBS) High-Definition Demonstration Loop, HDTV feeds from PBS and American Public Television, and delayed high-definition and wide-screen programming recorded by KTWU, with a wide sampling of innovative high-definition programming. In the evening it broadcasts PBS' special primetime HDTV

schedule. While many of those programs are also carried at some time during the week on Station KTWU-TV, they are generally not "simulcast" within the meaning of the rule. On the digital channel the licensee broadcasts a service consisting of all children's programming.

For now, broadcast of PBS' high-definition schedule and the specially packaged all-children's channel is, in the permittee's view, the most effective way to serve the public interest and stimulate community interest in DTV service. The licensee notes that the Commission is currently reviewing the simulcasting rule in a Notice of Proposed Rule Making in MB Docket No. 03-15, *In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television*. It has specifically sought comment on "whether we should retain, revise or remove the simulcast requirement". The licensee suggests that while this inquiry is pending it would be reasonable for the Commission to permit a local public television licensee to determine that high-definition and wide-screen programming demonstrating the advantages of DTV broadcasting along with a dedicated children's program channel would best serve the public interest.

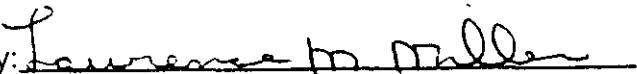
No fee is required for this filing, pursuant to Section 1.1114(c), inasmuch as it pertains to a noncommercial educational station.

The licensee has authorized us to state on its behalf that neither it nor any party to this request is subject to denial of federal benefits under the Anti-Drug Abuse Act of 1988.

Please address any questions concerning this request to this office.

Respectfully submitted,

SCHWARTZ, WOODS & MILLER

By:   
Lawrence M. Miller

cc: (by e-mail) Jim Brown, FCC  
LMM/nmc