

Request for Approval of Commencement of Post-Transition DTV Operation

Station WCML, Alpena, MI (Facility ID No. 9917)

Central Michigan University (“CMU”) hereby requests approval to immediately commence post-transition DTV service for noncommercial educational television station WCML, DTV Channel 24, Alpena, MI (“WCML”). Following the termination of analog service for WCML on March 31st, CMU has become aware of a significant service loss to viewers who cannot receive the station’s pre-transition digital signal. Thus, CMU seeks STA to immediately commence post-transition DTV Channel 24 operation of WCML, in order to restore service to existing viewers.

A special operating condition in the construction permit for WCML’s post-transition DTV facility in FCC File No. BPEDT- 20080222ABH states that the station is not to commence operation pursuant to the permit prior to February 17, 2009 – *or such other date as the Commission may establish in the future* – without prior Commission approval. Accordingly, and pursuant to the procedures announced by the Commission in its Public Notice regarding termination of analog service, CMU seeks Special Temporary Authority (“STA”) to immediately commence post-transition DTV Channel 24 operation of WCML under the station’s construction permit.¹

The Public Notice states that a station seeking to commence post-transition operation on February 17, 2009 using a digital facility that differs from its pre-transition facility must comply with the requirements set forth in the *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*.² Specifically, a station must demonstrate that it will (1) not cause impermissible interference to any authorized analog or pre-transition digital station; (2) maintain at least its current digital service; and (3) commence full, authorized post-transition operation on the transition deadline.³

Operation of WCML’s post-transition digital facility will comply with the requirements set forth in the *Third Periodic Review*. First, post-transition operation of WCML will not cause impermissible interference to any other stations.⁴ Second, WCML’s post-transition digital facility will provide at least the same level of service as currently provided by the station’s existing pre-transition digital facility.⁵ Indeed, post-transition operation of WCML will restore

¹ See *FCC Announces Procedures Regarding Termination of Analog Television Service On or After February 17, 2009*, Public Notice, FCC 09-6 (Feb. 5, 2009) (the “Public Notice”).

² See *id.*; Report and Order, MM Docket No. 07-91, FCC 07-228 (Rel. Dec. 31, 2007), at ¶ 121, et seq.

³ See Public Notice.

⁴ See Engineering Statement; The Commission has allotted DTV Channel 23 to Traverse City, Michigan (See Report and Order, RM-10368, MB Docket No. 02-20, DA 02-3484 (rel. Dec. 20, 2002)). However, there has been no subsequent filing window for this allotment and no currently existing broadcast stations would be affected by post-transition operation of WCML.

⁵ See *id.*

service to existing viewers who cannot currently receive the station's pre-transition digital signal. Finally, post-transition operation of WCML will ensure that the station complies with the final deadline for the commencement of full, authorized post-transition service. WCML's full, authorized post-transition DTV service obligations will be met immediately upon commencement of operation of the facilities specified in FCC File No. BPEDT- 20080222ABH.

Immediate commencement of WCML's post-transition DTV service will serve the public interest. Due to building and tree attenuation issues, a significant number of existing viewers have lost service following the termination of WCML's analog service on March 31st. As explained above, operation of WCML's post-transition digital facility will restore service to existing viewers who cannot currently receive the station's pre-transition digital signal. Moreover, digital operation of WCML's post-transition DTV service will allow the station to complete its transition to post-transition digital operation, joining the other television stations in CMU's statewide network.

CMU is a state governmental entity and operates WCML on a noncommercial educational basis. The licensee is therefore exempt from FCC filing fee requirements, pursuant to Section 1.1114 of the Commission's Rules, and the facility is exempt from FCC regulatory fees, pursuant to Section 1.1162 of the Rules.