

**Exhibit 8**

Ohio University (“the University”) has constructed Station WOUB-DT as authorized in the underlying construction permit, satisfying all terms, conditions and obligations set forth in that permit. However, the University hereby requests a waiver of the DTV simulcasting requirements for noncommercial educational (“NCE”) television stations pending resolution of the questions raised concerning simulcasting in the *Notice of Proposed Rule Making* in MB Docket No. 02-15 and MM Docket Nos. 99-360, 00-167 and 00-168 (released January 27, 2003) ( the “Second Periodic Review NPRM”). The University also requests a related temporary waiver of the station identification requirements in Section 73.1201 of the Commission’s rules.

NCE DTV stations are subject to a May 1, 2003 construction deadline. NCE DTV stations are also subject to the simulcasting requirements of Section 73.624 (b) of the Rules, which mandate that DTV stations simulcast at least 50% of the programming of the associated NTSC station as of April 1, 2003.<sup>1</sup> Although the University is able to transmit a digital television signal and therefore is able to certify completion of construction, it will be unable for some time to comply with the simulcasting requirements. This is a result of the fact that encoding equipment needed to enable the station’s NTSC programming to be digitized for DTV broadcast has not yet been delivered and installed. The University bid and subsequently awarded its Master Control encoding and processing equipment to the Harris Corporation in October, 2002. By written correspondence dated December 16, 2002, Harris assigned a “tentative” date of March 1, 2003 for shipping of the equipment. The scheduling was subsequently changed to a “definite” shipping date of March 28, 2003. Nonetheless, to date only a portion of the equipment (not including encoders) has been delivered, preventing the University from complying with the simulcasting and station identification requirements for WOUB-DT. The University currently is able to broadcast either a multi-channel or HDTV “pass-through” ATSC stream from Public Broadcasting Service (“PBS”) at its full-maximized power of 250 kW ERP.

The Association of Public Television Stations, PBS and a group of NCE television station licensees filed an *Emergency Request for Temporary Suspension of DTV Simulcasting Requirements for NCE TV Stations Pending Resolution of Second Periodic Review* with the FCC on March 24, 2003. The FCC has yet to act on this request. The University hereby incorporates by reference the arguments detailed in the *Emergency Request*, which stated that “given the difficulties NCE DT stations are having satisfying both their construction obligations and the simulcasting requirements at the same time, and considering that the Commission is fundamentally re-evaluating whether the simulcasting requirements should be modified or retained at all, it makes sense to suspend temporarily the requirements for NCE DT stations while these issues are under consideration.” The University therefore also requests that the simulcasting and station identification suspension and waiver issues be considered separately from the processing of the instant license application for WOUB-DT.

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<sup>1</sup> There is some ambiguity whether the Commission intends for the simulcasting requirement for NCE DT stations to begin April 1, 2003 or May 1, 2003. Section 73.624(b) states the date to be April 1, 2003. However, footnote 94 of the Second Periodic Review NPRM seems to suggest that, for NCE DT stations, the simulcast requirements become effective May 1, 2003, when NCE DT stations are supposed to be on the air.