

The New Jersey Public Broadcasting Authority (NJPBA) hereby requests Special Temporary Authority (STA) under the alternative buildout procedures set forth in the Commission's Report and Order in MB Docket No. 07-91, "Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television ("Third Periodic Review") at paras. 94 et seq. to permit continued operation of public Station WNJB-DT, New Brunswick, New Jersey, pending completion of the project to relocate the station to a site at Four Times Square, New York City.¹

NJPBA has essentially timely built out all of its main station digital facilities. However, as the Commission is well aware, NJPBA intends to relocate Station WNJB-DT from its current location to a site at Four Times Square in New York City. NJPBA has demonstrated in numerous filings to date that such a move would serve the public interest. In this regard, NJPBA filed an appropriate, grantable application for modification to relocate the facility (FCC File No. BMPEDT-20070125AAC). The application included a request for waiver of the then-applicable freeze on modification applications. The staff indicated that it would not lift the freeze despite an extensive showing by NJPBA that grant of the modification at that time was warranted. As a result, the application was not processed until long after its filing and was only granted on August 11, 2008.

Since the recent grant of the relocation application, NJPBA has followed-up on previous contacts with the New York City site licensor, Four Times Square Associates, LLC, with a view toward executing an appropriate lease agreement. Discussions have involved NJPBA's engineering department and legal counsel and have included all aspects of the lease arrangement, including equipment space, antenna and other license fees, insurance, access, HVAC and connection to NJPBA broadcast facilities. The primary digital antenna for WNJB-DT will be the licensor's master high band VHF antenna located at Four Times Square.

Consistent with state-mandated bidding procedures, NJPBA has also been working with potential site integrators experienced in dealing with New York City broadcast operations to move the existing transmission equipment from its Warrenville site to New York City. This work includes a review of preliminary mechanical and electrical system changes that may be needed to meet the requirements of the currently owned water-cooled transmitter as well as consideration of a second approach that uses a newly purchased transmitter without any interruption to the existing Warrenville operation.

Currently, the station is authorized operation pursuant to STA. On February 8, 2008, NJPBA filed an application for modification of STA. This modification

¹ NJPBA is filing the instant request inasmuch as it does not appear to qualify for a "standard" extension of time under the Commission's new rules and policies articulated in the Third Periodic Review (summarized at para. 62). As shown herein, NJPBA is operating with the equivalent of full licensed facilities, providing digital service to hundreds of thousands more people than are currently served by analog WNJB-TV.

effectively specifies final operating parameters for the facility at this operation inasmuch as NJPBA cannot completely 'match' the facilities to the DTV table pattern. In particular, as indicated in the STA request, the ERP of the STA operation is 17.9 kW (versus 20.2 Kw in the Table) and the HAAT of the STA operation is 215 meters (versus 212 meters in the Table). The inconsequential deviations from authorized Appendix B facilities are required by the slight change in HAAT and antenna pattern requirements that were revealed once the facility had been installed. Accordingly, NJPBA proposes to continue operating its current WNJB-DT facility pursuant to STA until such time as its modification application can be implemented. This STA operation serves well over 100% of the station's current analog service population; no over-the-air viewers will lose television service.

NJPBA is moving with due diligence to implement the modification, which represents the culmination of decades of efforts to dramatically enhance service to the public via relocation of facilities to a vastly superior site. In light of the facts that the modification was only recently granted and that the relocation entails significant logistical issues, including the need to reach a leasing arrangement pursuant to state bidding procedures, additional time is necessary. Such additional time will in no way compromise the access of NJPBA's current analog and digital audience to the licensee's service.

While the procedures adopted in the Third Periodic Review do not appear to specifically address NJPBA's situation, the licensee submits that the requested relief nonetheless is consistent with those procedures and amply justified by the public interest. The relocation to New York City in the brief amount of time afforded NJPBA since the grant of its modification application presents a significant logistical challenge in light of the State's bidding requirements and the complications inherent in any move to this location. Further, as noted above, the current DTV operation serves far more people than the current WNJB-TV analog operation, so no viewers will lose service as a result of the delay in moving to New York City. Since the current operation is within NJPBA's authorized parameters, it obviously complies with the Commission's 0.5 new interference standard.

To the extent that the instant request does not strictly conform to the alternative buildout processing scheme for stations requiring additional time to complete the digital transition but not warranting a "standard" extension of time, NJPBA submits that its status as a noncommercial educational licensee amply justifies grant of the flexibility requested herein, consistent with the Third Periodic Review (para. 97). The licensee has built a facility that serves all of its existing viewers. It now seeks only to improve that service while reducing harmful interference received from and caused to an area commercial broadcaster at the same time.

For all of the foregoing reasons, grant of the instant request would well serve the public interest.