

Request for Special Temporary Authority Alternative Buildout

WXOW-WQOW Television, Inc. (“WXOW”) is the licensee of WXOW-TV, analog Channel 19, and the permittee of pre-transition digital Channel 14, La Crosse, Wisconsin (FIN 64549). As requested by WXOW in a petition for rulemaking, the Commission substituted post-transition digital Channel 48 for Channel 14 at La Crosse, Wisconsin.¹ The DTV Channel 48 Order, which will become effective 30 days after publication in the Federal Register, also ordered WXOW to file an FCC 301 minor change application for a construction permit to specify post-transition digital Channel 48 for WXOW-DT within 45 days after the effective date of the DTV Channel 48 Order (“Channel 48 CP Application”). As soon as the DTV Channel 48 Order becomes effective, WXOW will promptly file the Channel 48 CP Application, which will specify the same transmitter site as its current pre-transition Channel 14 digital facility and Channel 19 analog facility.

WXOW currently operates its pre-transition Channel 14 digital facility with reduced effective radiated power (“ERP”) of 49 kW at 331.7 meters height above average terrain (“HAAT”) specified in the post-transition digital construction permit (File No. BMDPDT-20060608AAJ) pursuant to special temporary authority (File No. BMDSTA-20040402ADC, most recently extended by BEDSTA-20060626ADM with a pending request for extension -20080709AER). In Appendix F of its *Third Periodic R&O*,² the Commission extended the construction deadline for WXOW-DT’s post-digital facility to February 17, 2009 because WXOW-DT’s post-transition digital facility will operate with a top-mounted antenna and WXOW-TV’s analog antenna is currently top-mounted on the tower.

WXOW will not be able to complete construction of WXOW-DT’s post-transition digital facility until approximately August of 2009. As explained above, WXOW must replace the existing top-mounted Channel 19 antenna with a new Channel 48 digital antenna. In order to continue providing analog service to the end of the DTV transition, construction of WXOW-DT’s post-transition digital facility, including the swapping of the analog and digital antennas, cannot commence until approximately April of 2009 due to weather conditions in Wisconsin. As such, WXOW hereby seeks an extension of the construction deadline beyond the current deadline of February 17, 2009 for a period of approximately six months to August 17, 2009 under the Commission’s alternative buildout standard enunciated in the *Third Periodic R&O*.³

¹ *Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (La Crosse, Wisconsin)*, Report and Order, DA 08-11480, MB Docket No. 08-156, RM-11480, released October 6, 2008 (“DTV Channel 48 Order”).

² *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, FCC 07-228, MB Docket No. 07-91, released December 31, 2007 (“*Third Periodic R&O*”).

³ *Third Periodic R&O*, at paras. 94 et seq.

The Commission will authorize special temporary authorizations for stations to operate post-transition facilities at less than their full, authorized facilities (as defined in DTV Table Appendix B) provided that stations show either: (1) a unique technical challenge and the station serves at least 85 % of the same population that receives the station's current analog TV and DTV service; or (2) a significant technical impediment to the construction of their full, authorized facilities that would not otherwise qualify for an extension of time to construct facilities under the Commission's new, stricter standard adopted in the *Third Period R&O* and the station serves at least 100 % of the same population that receives the station's current analog TV and DTV service so that over-the-air viewers will not lose TV service.⁴

In the instant case, the Commission's alternative buildout standard is satisfied under both standards because of the unique technical challenge of replacing the analog antenna in the top-mounted position with the digital antenna, and because continuation post-transition of WXOW-DT's current digital Channel 14 operations (of 49 kW ERP at 331.7 meters HAAT) covers 100% of the population that currently receives the station's analog and DTV service.⁵ See Engineering Statement (attached). Accordingly, it is respectfully requested that the Commission extend the construction deadline for WXOW-DT's post-digital facility to August 17, 2009.

⁴ *Id.*

⁵ As post-transition operation of WXOW-DT's current digital Channel 14 operations covers 100% of the population that currently receives the station's analog and DTV service, WXOW is not required to notify viewers on the station's analog channel about the planned delay in construction and operation of the station's post-transition DTV service. *Id.* at para. 91.



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**ENGINEERING STATEMENT
IN SUPPORT OF A REQUEST FOR
SPECIAL TEMPORARY AUTHORITY PURSUANT
TO THE PHASED TRANSITION ALTERNATE
BUILDOUT PROVISION**

This statement was prepared on behalf of WXOW-WQOW Television, Inc. ("WXOW-WQOW"), licensee of WXOW-TV, analog TV Channel 19, and pre-transition DTV Channel 14, La Crosse, Wisconsin (FIN 64549), in support of a request for special temporary authority ("STA") pursuant to the Commission's phased transition alternate buildout provision for stations facing a unique technical challenge¹. Specifically, WXOW-DT proposes to continue operating its pre-transition low power digital STA facility beyond the transition date since construction of its post-transition facility on a different channel cannot be fully completed until approximately August of 2009. WXOW-WQOW must replace the existing top-mounted analog Channel 19 antenna with a new Channel 48 as the Commission recently substituted post-transition Channel 48 for Channel 14 in La Crosse, Wisconsin². As such, WXOW-WQOW seeks approval to continue operating WXOW-DT at intermediate facilities during this extended construction period so that the station can maintain service to the same population that receives its current analog TV and pre-transition DTV service.

Continuation on Channel 14 beyond the DTV transition will entail the same facilities described in the station's outstanding pre-transition digital STA, BMDSTA-20040402ADC. Since the existing digital STA exceeds the coverage of its associated analog facility, and considering that all analog interference will be eliminated after the DTV transition ends, continued authority to operate the temporary digital facility will essentially increase existing service to 344,086 viewers³. Below is a table reflecting the predicted service populations for

¹ *Third Periodic R&O*, at paras. 94 et seq.

² *Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (La Crosse, Wisconsin)*, Report and Order, DA 08-11480, MB Docket No. 08-156, RM-11480, released October 6, 2008 ("DTV Channel 48 Order").

³ Service population was calculated in accordance with the standard prediction methodology described in FCC



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both the existing analog TV and pre-transition DTV operations and the percentage of service that will be maintained⁴:

Existing Facilities	Service Population	Maintained by STA
WXOW-TV analog TV Ch. 19, BLCT-20010403ABI	293,584	100%
WXOW-DT Ch. 14, BMDSTA-20040403ABI	332,563	100%

Accordingly, the temporary intermediate facility proposal for WQOW-DT exceeds the service requirement for relief under the alternate buildout provision for stations having a unique technical challenge.

Prepared by,

/s/

D. Scott Turpie

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⁴ Service populations for facilities authorized prior to October 7, 2004 were taken from Public Notice, “DTV Channel Election Information and First Round Election Filing Deadline”, DA 04-3922, Table I, released December 21, 2004, and for those facilities authorized after that date the amounts have been updated using the standard OET 69 prediction method.