**REQUEST FOR WAIVER OF POWER LIMIT
FOR LOW-BAND VHF STATION**

WACP's proposed operating power of 79.4 kW ERP would exceed the limit in Section 73.622(f)(6) of the Commission's Rules. A waiver of Section 73.622(f)(6) (and Sections 73.622(f)(5) and 73.623(c), to the extent necessary) is requested, and is supported by the showing in this exhibit and elsewhere in the application.

Four stations authorized to operate on low-band VHF channels in the mid-Atlantic area have determined that each of them would benefit significantly from an increase in ERP. Thus, all four stations are seeking an increase in their own ERP, and each has agreed to accept interference from any of the others for power increases of up to 9 dB. A copy of the Mutual Upgrade Agreement executed by all four stations is separately attached to this application.

The four stations are:

Channel 4, WACP, FID 189358, Atlantic City, NJ
Channel 2, WVIR-TV, FID 70309, Charlottesville, VA
Channel 2, KJWP, FID 1283, Wilmington, DE
Channel 3, WJLP, FID 86357, Middletown Township, NJ

As a repacked station, WVIR-TV has already filed its application. *See* File No. 0000034904 (filed Nov. 2, 2017, as amended Nov. 7, 2017). WACP and the two other stations are submitting their applications today (Nov. 28, 2017), the first day of the filing window for non-repacked stations, as announced in DA 17-1086 (rel. Nov. 6, 2017).

In the instant application, WACP seeks approval of its own 9 dB power increase; KJWP and WJLP are making similar filings concurrently. As a result, the Commission now has all four applications before it.

WACP agrees to the processing of the instant application contingent on the grant of the applications filed for the three other stations associated with the Mutual Upgrade Agreement. To the extent that the Commission considers the four applications to be contingent and thus restricted by Section 73.3517 of the Rules, a waiver of that section is respectfully requested.

Like the other parties to the Mutual Upgrade Agreement, WACP is at a disadvantage by operating on a low-band VHF channel such as channel 4, and thus has good reason to seek a power increase. The inherent problems with low-band VHF signals (Channels 2-6) are well known to both the broadcasting industry and the Commission. These signals, once envied and sought by all TV stations, are at a serious disadvantage in today's digital world. Indeed, the difficulties of providing a useful digital signal to the public in the VHF band are an important reason why the Commission offered money in the incentive auction to stations that were willing to abandon UHF in favor of VHF channels, and offered more money in the opening round to stations that accepted a low-band VHF channel than it did to stations that accepted a high-band VHF channel (Channels 7-13).

The widely-recognized disadvantages of low-band VHF channels include interference from unintentional radiofrequency radiation by appliances, high-efficiency lighting, and switching power supplies. Building penetration is inferior because of the long wavelengths in the 54-72 MHz band. VHF indoor antennas not only do not have a gain but may have a loss of up to 10 dB at low-band VHF – a greater loss than might be offset by the increase that WACP is seeking in the instant application.[1]

The Commission has previously recognized the need for flexibility in setting power levels to permit low-band VHF stations to serve the public adequately. An increase in power would be of substantial benefit to WACP's increasing over-the-air constituency.

Although a power increase for WACP will cause normally prohibited interference, in this case, all four stations affected by overlapping signals have mutually agreed that all will be better off if each increases ERP by 9 dB. In other words, the improvement in their ability to reach viewers in the core of their service area will more than offset any detriment of interference at the fringe. Moreover, in the well-populated mid-Atlantic area, viewers who do receive interference are likely to receive service from other stations.

WACP requests that the Commission look favorably on the cooperative effort of four low-band VHF stations, each of which faces serious handicaps in the digital environment and have mutually agreed on an approach that will enable each of them to better serve the public.

It should be noted that the stations have agreed to coordinate timing of implementation of their power increases, thus minimizing any potential for adverse interference during the transition. WACP's proposed power increase will not impact any other repacked station or impede the post-auction repacking process.

In light of the foregoing, WACP respectfully submits that a grant of this application is justified and would significantly advance the public interest.

[1] The Commission has long recognized these limitations with digital TV operations in the VHF band. *See Innovations in the Broadcast TV Bands: Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking, 25 FCC Rcd 16498, paras. 42-45, 54 (2010) (discussing the characteristics that pose challenges for the use of VHF channels in providing digital television service, especially low-VHF channels that are more prone to interference due to background noise or impulse noise); *see also Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Sixth Report and Order, 12 FCC Rcd 14588, para. 82 (1997) ("TV operations on the lower VHF channels 2-6 are subject to a number of technical penalties, including higher ambient noise levels due to leaky power lines, vehicle ignition systems, and other impulse noise sources and interference to and from FM radio service"); *Study of Digital Television Field Strength Standards and Testing Procedures*, Report, 20 FCC Rcd 19504, para. 82 (OET 2005) (stating that man-made noise on low VHF is caused by devices such as hair dryers, computers, microwave ovens and similar appliances).