

Request for Waiver of Minor Modification Filing Freeze

To the extent necessary to process and approve the instant application, Rhode Island PBS Foundation ("RIPBS"), licensee of WSBE-TV, Providence, Rhode Island (Fac. ID No. 56092) ("Station") hereby requests a waiver of the Media Bureau's 2013 freeze on the filing and processing of minor modification applications. See *Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Station Modification Applications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate*, Public Notice, 28 FCC Rcd. 4364 (MB 2013) ("*April 2013 Freeze Public Notice*").¹

In the *April 2013 Freeze Public Notice*, the Media Bureau determined that it was necessary to freeze modification applications to "facilitate analysis of repacking methodologies and to assure that the objective of the broadcast television incentive auction are not frustrated." *April 2013 Freeze Public Notice* at 1. At the same time, however, the Bureau indicated that it would consider, on a case-by-case basis, requests for waivers of the processing freeze when a modification is necessary or otherwise in the public interest "to maintain quality service to the public." *Id.* at 2. This is exactly that situation.

Since transitioning from UHF channel 21 to Low-VHF Channel 2, many the Station's viewers have reported a loss of the ability to view the Station over-the-air. Attached hereto is a list of complaints RIPBS has received about reception issues since transitioning to channel 2. A waiver of the freeze on processing minor modification applications is necessary to allow the Station to maintain quality service to the public from its new channel.

The FCC long has recognized the problems with DTV broadcast operations in the Low-VHF part of the RF spectrum. As the Commission has stated, "VHF channels have certain characteristics that have posed challenges for their use in providing digital television service." *Matter of Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking, 25 FCC Rcd. 16498 ¶ 42 (2010). In further explanation, the Commission said, "the propagation characteristics of these channels allow undesired signals and noise to be receivable at relatively farther distances, nearby electrical devices tends to emit noise in this band that can cause interference, and reception of VHF signals requires physically larger antennas ... relative to UHF channels." *Id.*

In recognition of the challenges facing VHF stations (and to encourage stations to consider the UHF-to-VHF bid option), the FCC, in its Incentive Auction Report and Order, explained that it would "afford favorable consideration to post-incentive auction requests for waivers of the VHF power and height limits for winning UHF-to-VHF bidders that may be necessary to resolve coverage problems on their new channels." *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd. 6567 ¶ 371 (2014), *aff'd*, *Nat'l Ass'n of Broadcasters v. FCC*, 789 F.3d 165 (D.C. Cir. 2015). As the Commission recognized, this is consistent with the Media Bureau's approval of similar waivers following the DTV transition. *Id.* (citing Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau, to ABC, Inc. and Freedom Broadcasting of New York Licensee, LLC

¹ Although the Media Bureau lifted the freeze for stations that have not yet completed the transition to their post-auction channels, the freeze still applies for stations that have discovered reception problems as a result of their transition.

(dated Mar. 16, 2011) (http://licensing.fcc.gov/cgi-bin/prod/cdbforms/prod/getimportletter_exh.cgi?import_letter_id=24963)). Following through on this commitment, the Commission authorized a group of four stations on Channels 2, 3, and 4 in Delaware, New Jersey, and Virginia to operate well-above the 10 kW power limit applied by the rules to Low-VHF stations in Zone I. See LMS File No. 0000035792.

Because allowing the Station to operate at increased power will help alleviate the known problems associated with reception of a low-VHF signal, the Commission should waive the freeze in this instance and grant the instant application.

Post-Transition Reception Complaints

WSBE-TV

1	David Wright	Reception	9/15/2019 & Post Repack	David Wright 55 ASHBURNE ST PAWTUCKET, RI, 02861, US Telephone: 723-8615
2	Jill c/o Delross	Reception	Post Repack	7 Halsey St., Newport, RI 02840 minnie moonacrefarm@cox.net
3	Minnie and Dave DelRoss Jill c/o Delross	Reception	1/3/2020	7 Halsey St., Newport, RI 02840 minnie moonacrefarm@cox.net
4	Albino Conte	Reception	Post Repack	55 Walnut st, johnston RI 401-944-226
5	Joe Perry	Reception	1/13/2020	91 Bently Street, East Providence, R. I. 02914 Telephone: 438-8919
6	Mitch Kaufman	Reception	1/13/2020	Mitch Kaufman 2220Warwick Ave, Apt. 67 Warwick RI 02889
7	Richard Muserlian	Reception	1/13/2020	200 Narragansett Avenue Riverside RI 02915 Telephone: 437-6291, 649-7599
8	Christine Beaudoin	Reception	1/13/2020	Christine Beaudoin PO Box 227 Coventry RI 02816 Phone: 821-0452
9	Allen DeNabio	Reception	1/13/2020	Allen DeNabio. 13 Cooper Street, North Providence RI 02904 Telephone: 451- 1961
10	Holly Anderson	Reception	1/14/2020	404 Tower Hill Road, North Kingston RI 02852 Telephone 294-1348
11	Paul Smith	Reception	1/14/2020	Paul Smith 54 Summit Avenue, Providence RI 02906 Telephone: 802- 343-0978
12	Michael Silva	Reception	1/14/2020	69 Hunters Crossing Dr. Coventry, RI 02816 michaeljsilv@gmail.com] 401-709-4352
13	Betty Singletary	Reception	1/14/2020	Betty Singletary 1427 Westminster St. Providence, RI 02909 bettysingletary@rocketmail.com
14	David Wright	Reception	1/14/2020	David Wright 55 ASHBURNE ST PAWTUCKET, RI, 02861, US Telephone: 723-8615
15	Suzan Straten	Reception	1/14/2020	Suzan Straten, 51 Middle Rd. #317, Portsmouth RI 02871 sstraten@cox.net
16	Dr John Biernacki	Reception	1/14/2020	Dr John Biernacki, 50 Sulyma st. Cumberland RI 02864
17	James Sedlock	Reception	1/14/2020	90 Fourth St. E. Greenwich, RI 02818
18	Richard Staples	Reception	1/14/2020	Richard Staples, 13 Middle Steet Barrington RI 02806 rfstaplesjr@att.net

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19	Diane Greenwald	Reception	1/15/2020	Diane Greenwald 41 Grove Ave, Warwick 02889 Telephone: is 203-526-0581 dgreenwaldwpl@gmail.com
20	David Bentley	Reception	1/16/2020	David Bentley, 70 Mount Hope Ave., Jamestown, 02835. Cell - 4013787368.
21	Al Jeffries	Reception	1/16/2020	Al Jeffries 1 Potter Drive Providence RI 02907 oligomer@earthlink.net Telephone 203-526-0581
22	Stephan Mills	Reception	1/16/2020	Stephan Mills 179 Lawnacre Dr, Cranston RI 02920 401-942-1928
23	J.M. Gilmore	Reception	Post Repack	J.M. Gilmore 725 Reservoir ave Cranston 02910 jp1994@msn.com telephone 401-943-5120
24	Christine Asmus	Reception	1/23/2020	1143 Main Avenue Unit 5 02886 Warwick Christine.asmus@gmail.com
25	Robin Wallace	Reception	Post Repack	13 Greenough PL Newport 02840 401-862-5440 argw36@cox.net
26	James Zi	Reception	Post Repack	458 High Street Apartment 2L Central Falls 02863 545-5963 medicinemanblue@gmail.com
27	Frank Silva	Reception	Post Repack	25 Nardolillo St. Johnston RI 02919 Phone 401-943 1194 silvafrank394@ymail.com
28	Oleg Litvin	Reception	1/7/2020	252 Mayfield Avenue Cranston RI 02920 718-844-8171
29	Rita Lacourse	Reception	2/12/2020	186 Bluff Avenue Cranston, RI 02905
30	Peter Greenman	Reception	Post Repack	PO Box 1242 Block Island RI 02807 Telephone: 401-466-2950 psgreenman@verizon.net
31	Rebecca Price	Reception	2/18/2020	12 Thomas Spann Way Providence, RI 02908 401-454-1394 pricerebecca1948@gmail.com

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32	Richard Burt	Reception		21 Indian Road Riverside, Rhode island 02915 4233-3484 Richburt45@yahoo.com
33	MARILYN COLVIN	Reception	1/29/2020	55 AMSTERDAM AVE WARWICK RI 02889 Telephone : 401-739-0260
34	Mike Christ	Reception	Post Repack	Mike Christ, 163 Chases Lane Middletown RI 02842 Telephone 847-6850
35	David DelRoss	Reception	Post Repack	Minnie and Dave DelRoss 7 Halsey St., Newport, RI 02840 T moonacrefarm@cox.net
36	jesusalberto valentin	Reception	Post Repack	62 Hillcroft Avenue Worcester 01606 jasusalbertov@yahoo.com
37	William Curtis	Reception	Post Repack	265 Hope Street 401-253-5223 Bristol, RI 02809 bill.curtis@mindwatering.net
38	Donna Iacchini	Reception	2/24/2020	7110 Scituate Vista Drive Cranston RI 02921 401-943-1310
39	Matt	Reception	2/24/2020	15 Thomsonon Rd. Warren, RI 02885 401-247-9108
40	Terry	Reception	2/24/2020	401-247-9108
41	Joanne Marchand	Reception	2/24/2020	180 Narragansett Avenue Barrington RI 02826
42	John Bell	Reception	2/13/2020	401-640-2369
43	James	Reception	1/31/2020	401-952-4120
44	No Name left	Reception	1/31/2020	718-844-8171
45	Mr. Toste	Reception	1/29/2020	401-334-1422
46	Bruce	Reception	1/29/2020	401-463-9688
47	Jacquelin	Reception	1/27/2020	401-787-4079
48	Philip Throw	Reception	1/24/2020	1425 Green End Avenue Middletown, RI 401-864-0006 401-548-3035
49	Chuck	Reception	1/24/2020	New Port, RI millennia.cg@gmail.com
50	Janet	Reception	Post Repack	401-545-9350
51	Ingrid Waldron	Reception	Post Repack	Little Compton, RI 401-635-2242 <rening1@outlook.com>

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52	Christine Braudoin	Reception	Post Repack	PO Box 227 Conventry, RI 02816 401-821-0452
53	No Name left	Reception	Post Repack	401-751-0723 741-0965
54	Mr. Burk	Reception	Post Repack	978-486-0086
55	Jim Sedlock	Reception	Post Repack	401-884-2169
56	Karen	Reception	Post Repack	Riverside, RI 401-437-6291 781-686-4107
57	Holly Anderson	Reception	Post Repack	404 Tower Hill Road APT. 104 North Kingstown, RI 02852401-433- 1330
58	Allen DeNabio	Reception	Post Repack	13 Cooper Street North Providence RI 02904 451-1961
59	Richard Muerlian	Reception	Post Repack	200 Narragansett Avenue Riverside, RI 02915 401-437-6291 401-649-7599
60	Mitch Kaufman	Reception	Post Repack	2220 Warwick Avenue Apt. 67 Warwick RI 02889
61	Joe Perry	Reception	Post Repack	91 Bentley Street East Providence RI 02914 401-438-8919
62	No Name left	Reception	Post Repack	Attleboro 508-226-6586
63	Sally	Reception	Post Repack	Barrington RI 508-314-3321
64	Donald Lavin	Reception	Post Repack	Cranston, RI near Phenix and Atwood Avenues lavindonald@aol.com
65	Michael Fairhurst	Reception	Post Repack	Tiverton RI lat41lon71@gmail.com
66	Ginny Yanyar	Reception	Post Repack	Ginny Yanyar <georgey@fullchannel.net>
67	Sandra Porter	Reception	Post Repack	Sandra Porter 30 Browning Dr North Kingstown, RI 02852 401-269-8135 smporter1@verizon.net
68	Neal OBrien	Reception	Post Repack	Brookline, MA, mailto:mulroon02@yahoo.com
69	Betsey Doherty	Reception	Post Repack	bdoherty@whoi.edu
70	Faye Dvorchak	Reception	Post Repack	Sheffield Avenue, Cranston cat90702@protonmail.com

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71	Chuck	Reception	Post Repack	Woodduck18 <woodduck18@juno.com>
72	jean Bauer	Reception	Post Repack	25 Welfare Avenue Cranston RI 401-461-4989
73	Michael Stanziano	Reception	Post Repack	Narragansett, RI mstanz6272@aol.com
74	Sarah Baines	Reception	Post Repack	bainrobo@gmail.com
75	Carole Donahue	Reception	Post Repack	Aquidneck Island carole.m.donahue@gmail.com
76	Cynthia Heckart	Reception	2/27/2020	29 C Eagle Run East Greenwich, RI 02818 401-884-4851 29 C Eagle Run East Greenwich, RI 02818 401-884-4851