

**Request for Special Temporary Authority for Reduced Power Operation and Waiver**

Signal Above LLC (“Signal”), the licensee of WDCN-LD (“the Station”), pursuant to section 73.1635(a) of the Commission’s rules, hereby respectfully requests Special Temporary Authority to operate the Station at 0.7 kW ERP of authorized power on its audio signal only and, to the extent necessary, a waiver of the conditions set forth in the Station’s Special Temporary Authority to operate an analog FM audio carrier within Station’s assigned digital channel frequencies (FM6 operations).<sup>1</sup>

On January 20, 2023, the Station began experiencing high levels of VSWR and other technical issues with its antenna that caused the failure of components of its transmitter and combiner that is used to send its ATSC 3.0 video and its FM audio signal to the antenna. As a result, the Station was off the air for 6 days while interim repairs were made but was unable to resume normal operations at 3 kW because of continued problematic VSWR levels. Consequently, Signal had to temporarily reduce the power of its FM audio signal to 2 kW ERP and temporarily suspend its ATSC 3.0 video signal. Signal reported this disruption in a filing on January 30, 2023. File No. 0000208779.

Upon believing that there was an issue with the log periodic antenna system, Signal immediately began working with SBA, the tower owner, and other broadcasters on the tower to coordinate an NTP and to procure an approved tower crew available on an expedited basis to inspect the aluminum, 4 log, antenna system, and the entire approximately 700 feet of transmission line and connections on the tower with the goal of resuming full service as quickly as possible. The tower crew inspected the connections from the transmitter to the antenna as well as the antenna itself and found damage to a total of seven antenna elements on three of the four logs. Whether from falling ice or work on the structure above Signal’s antenna, the cause of the damage is not currently known. The damage has resulted in VSWR faults necessitating further reduction in transmitter power and an ERP of 0.7 kW.

Two separate repairs are required to restore the Station’s service.

First, the Station must repair the damaged combiner. The parts for the combiner have been secured and the current ETA for the combiner repair is March 3-4. At that time, the Station believes that it will be able to offer both an ATSC 3.0 video signal and an FM audio signal, albeit at reduced power.

Second, the station must replace the three damaged log periodic antennas, and the antenna not damaged, with new antennas made of Galvanized steel for a more reliable on air system for use on the authorized tower structure. Signal has arranged for PSI to build, on an expedited basis, the replacement antenna that should be less susceptible to damage. Delivery of the new antenna is

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<sup>1</sup> See Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau, to Signal Above LLC (Nov. 22, 2022), LMS File No. 0000203648 (the “FM6 STA”).

expected by the end of April 2023 and all installation is expected to be completed by May 2023, barring any unforeseen approval, delivery or weather delays.

To the extent necessary, Signal also requests a waiver of certain operating conditions set forth in the FM6 STA to allow Signal to continue serving the public to the maximum extent possible until it can repair the combiner and resume ATSC 3.0 video service. The FCC will grant a waiver of its rules for good cause.<sup>2</sup> The Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>3</sup>

Among the conditions of the FM6 STA are:

- WDCN-LD's audio and video coverage must reach similar populations;
- During the term of this STA, WDCN-LD must provide at least one stream of synchronized video and audio programming on the ATSC 3.0 portion of the spectrum on a full time (24x7) basis; and
- During the term of this STA, the technical facilities of WDCN-LD may not be modified.

Signal complied with these and the other conditions of the FM6 STA prior to the technical disruption. Now, due to the damage to the Station's antenna and its combiner, the Station, for reasons entirely beyond Signal's control, is unable to operate a video signal at all and unable to operate the FM audio signal at full authorized power. Signal anticipates that the Station will be able to restore its video signal by around March 4 and resume full power ATSC 3.0 video and FM operations by May.

Under these circumstances, waiver of any necessary conditions of the FM6 STA is appropriate and in the public interest. There are no legal barriers to grant of the requested waiver. Because the Station's FM operations are authorized pursuant to the FM6 STA, and not as an ancillary or supplementary service, the Video Division can waive the conditions it imposed without determining whether an ancillary or supplementary operation can continue while the primary operation is disrupted due to a technical issue.

Moreover, grant of the requested waiver is in the public interest because it will allow Signal to continue serving the public to the greatest extent possible while it works to resume full power operations as quickly as possible. The Commission has previously recognized the public interest in minimizing service disruptions for viewers and listeners.<sup>4</sup> WDCN-LD's FM audio service is a top-rated Hispanic station in the DC market. The Station can continue to serve the community,

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<sup>2</sup> 47 C.F.R. § 1.3; *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("The FCC may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest.").

<sup>3</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

<sup>4</sup> *See, e.g.*, In Re Rev. of Commission's Rules & Pol'ys Affecting the Conversion to Digital Television, 16 FCC Rcd. 5946, 5956 (2001) ("While we wish to assure broadcasters a measure of flexibility in constructing their DTV facilities, we continue to want to assure that viewers do not lose service and we take seriously our mandate to speed the transition and to ensure that the spectrum is used efficiently.").

including through the provision of critical emergency services as needed, as long as it is permitted to stay on at reduced power. Moreover, the waiver will be of limited duration if the combiner repairs are completed, as expected, in around one week, at which point the Station's audio and video operations will again reach similar populations and the Station will be able to resume providing at least one stream of synchronized video and audio programming on the ATSC 3.0 portion of the spectrum on a full time (24x7) basis.

Because Signal's inability to comply with certain conditions of the FM6 STA is for reasons beyond its control and preserving some service while the repairs take place is in the public interest, the Commission should waive the conditions as needed and grant the instant STA.