

**REBUTTAL TO THE FCC PRESUMPTION
RE: TEMPORARILY CONSTRUCTED FACILITIES
WIVD-LD NEWCOMERSTOWN, OH**

Image Video Teleproductions, Inc. (the “Applicant”) requests the FCC Video Division to grant a new station license that is not conditioned for a twelve-month period during which it must rebut the presumption concerning temporarily constructed facilities. This condition is unnecessary in this case because WIVD-LD has been operating from the same registered tower for the past 13 years and the underlying construction permit does not involve a change in antenna location. Specifically, WIVD-LD initially began broadcasting on digital Channel 22 at its current site in 2009.¹ After WIVD-LD was displaced as a result of the TV Repack, the station was granted authority through the Special Displacement Window to continue operations on Channel 26 from the same location. The station’s relocation to Channel 26 was constructed and licensed in 2019.²

The foregoing demonstrates that WIVD-LD has been operating at the same site for many years. Because this license application covers only a change in WIVD-LD’s directional antenna system (i.e. the underlying CP authorizes no other technical modifications), the presumption that WIVD-LD’s facilities were temporarily constructed has been rebutted.³ Therefore, the Applicant respectfully requests that the FCC Video Division grant WIVD-LD’s license application on the basis that the station has already fulfilled the condition of operating continuously from the authorized antenna location for more than a twelve-month period.

Respectfully submitted,

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¹ See CDBS File No. BLDL-20090617AAR. WIVD-LD (Fac. ID No. 131008) was originally licensed in 2009 to operate digitally on Channel 22 at NL 40-21-31.8 NL, 81-30-01.5 WL (ASRN 1226927).

² WIVD-LD was granted displacement relief to operate on Channel 26 at NL 40-21-31.8 NL, 81-30-01.5 WL (ASRN 1226927), in File No. 0000054238. A license application to cover for the authorized displacement facility was granted on 8/06/2019. See LMS File No. 0000079906.

³ The underlying construction permit (CP) in LMS File No. 0000080067 authorizes a change in the transmitting antenna from a Sira Model UTV01 to a PSI Model PSI UHF Slot, which includes a change in the directive antenna pattern. This CP does not involve any other technical modifications.