



Federal Communications Commission
Washington, D.C. 20554

May 15, 2023

Signal Above LLC
1945 Old Gallows Road
Suite 650
Tysons, VA 22182
AWF@GG-LAW.COM

Re: Application for Minor Change
WDCN-LD, Fairfax, VA
Facility ID No. 29459
LMS File No. 0000211128

Dear Licensee:

This letter concerns a request for waiver (Request) and the above-referenced application for special temporary authority (Reduced Power STA) filed by Signal Above, LLC (Signal), licensee of digital low power television (LPTV) station WDCN-LD, channel 6, Fairfax, Virginia (WDCN-LD or Station).¹ As set forth below, we grant the STA and waive the condition on the Station's FM6 STA prohibiting modifications to its facility.

WDCN-LD is a digital LPTV station operating on channel 6 in ATSC 3.0 format. The Station was granted an FM6 STA to operate an analog FM audio carrier within the Station's assigned digital channel frequencies (FM6 operations).² The STA was granted (and subsequently extended) with a condition stating that "[d]uring the term of this STA, the technical facilities of WDCN-LD may not be modified."³ On January 30, 2023, Signal notified the Commission that it had commenced operating at reduced power due to equipment issues⁴ and subsequently filed the instant Reduced Power STA.

In the Reduced Power STA, Signal seeks to operate the Station at 0.7 kW instead of its authorized ERP of 3 kW.⁵ Signal explained that the reduction in power was necessitated as the result of "high levels of VSWR and other technical issues with its antenna that caused the failure of components of its transmitter and combiner."⁶ According to Signal, all repairs and replacement of equipment is expected to be completed by the end of May 2023.⁷

We find that good cause exists to waive the condition on WDCN-LD's FM6 STA prohibiting modification of the Station's facilities. In this case, we find that the requested modification, which will

¹ LMS File No. 0000211128, as amended (Reduced Power STA).

² LMS File No. 0000166143, most recently extended in LMS File No. 0000203648.

³ *Id.*

⁴ LMS File No. 0000208779.

⁵ Reduced Power STA, Further Amendment at 1. The Station began operating at reduced power on January 20, 2023.

⁶ *Id.*

⁷ *Id.*

also only be temporary, constitutes an “engineering necessity” caused by equipment failure.⁸ The Station will resume operation at its currently licensed parameters once all equipment repairs and replacements are completed. When operating at reduced power the Station will continue to operate within its protected contour and is not expected to result in any interference to other stations. Permitting the Station to operate at reduced power will allow it to continue to serve the public while its facility is repaired. Absent grant of this STA, the Station would have to go silent. Therefore, we believe that the public interest will be served by grant of Signal’s STA and waiver of the condition in the FM6 STA prohibiting modifications to the Station’s facility from being modified.

Accordingly, the request for special temporary authority (LMS File No. 0000211128) of Signal Above LLC for digital LPTV station WDCN-LD, Fairfax, Virginia, **IS GRANTED AND WILL EXPIRE ON MAY 31, 2023.** Furthermore, in order to implement the Reduced Power STA, we waive on our own motion the condition in the Station’s FM6 STA prohibiting modifications to the Station’s facility. Our action does not waive any other conditions set forth in WDCN-LD’s FM6 STA.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Ari Meltzer, Esq.

⁸ We note that, in its ongoing rulemaking proceeding in MB Docket No. 03-185 concerning the future of FM6 operations, the Commission proposed to continue to limit modifications by FM6 stations while at the same time allowing for FM6 stations to seek a waiver of this restriction. *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, Fifth Notice of Proposed Rulemaking, MB Docket No. 03-185, FCC 22-40, para. 31 (2022). The Commission also sought comment on whether to more broadly provide for an exception to the restriction on FM6 stations modifying their facilities if certain criteria are met. *Id.* We note that our action taken herein is not intended to prejudge the outcome of the proceeding and is based on the unique facts and circumstances presented in Signal’s STA.