

Exhibit 39

WLS Television, Inc. (“WLS Television”), licensee of digital television station WLS-TV, Chicago, Illinois (“WLS”), respectfully requests an extension of its current special temporary authority (“STA”) to operate a digital television (“DTV”) replacement translator on channel 7 in Chicago, Illinois (“Channel 7 Translator”).¹ Specifically, WLS requests continuing authority to operate the Channel 7 Translator located at the Willis Tower (referred to herein as the “Sears Tower”) with an effective radiated power (“ERP”) of 4.75 kilowatts (“kW”) at 515 meters (“m”) height above average terrain (“HAAT”). As explained herein, grant of the instant request will permit WLS to continue serving portions of its viewing area that would not otherwise receive an over-the-air signal from WLS while WLS completes construction of its permanent digital facility on channel 44. For the reasons set forth herein, grant of the instant request is necessary and in the public interest.

WLS has served the Chicago, Illinois area on channel 7 for over sixty years pursuant to authorizations issued by the FCC. Following the DTV transition, however, it became abundantly apparent that WLS’s post-transition operations on channel 7 did not enable WLS to serve many of its former over-the-air analog viewers, especially those viewers living in densely populated urban areas. Accordingly, promptly after the June 12, 2009 transition, WLS worked diligently with the FCC staff to develop a solution to the reception challenges faced by WLS’s viewers. To this end, WLS obtained approval to substitute its channel 7 digital allotment with digital channel 44 at Chicago, Illinois. Thereafter, WLS obtained a construction permit for full-power DTV facilities at Sears Tower on channel 44 at 473.3 kW ERP at 515 m HAAT (“Permanent Channel 44 Facility”).²

Construction of the Permanent Channel 44 Facility requires many steps, including: (i) obtaining a high-power UHF transmitter; (ii) obtaining an appropriate UHF antenna; (iii) obtaining suitable RF components; (iv) coordinating a substantial construction effort to replace the formerly licensed VHF channel 7 antenna with a new UHF antenna at the top of the Sears Tower; and (v) installing a new transmitter, along with its associated transmission line and RF components. WLS has been working expeditiously to complete construction of the Permanent Channel 44 Facility. For example, thus far, WLS has evaluated different types of antennas in order to select the best one for channel 44 use, finalized the design of the channel 44 antenna based on such evaluations, and has ordered and recently received a new channel 44 antenna. WLS also has ordered and received the transmitter for the Permanent Channel 44 Facility and is the process of applying for the requisite local permits to enable it to deploy certain mechanical systems in the transmitter room. Additionally, the WLS engineers are working at the site to prepare the facility to accept the new channel 44 transmitter. In addition, the WLS engineers have worked with the structural engineers at Sears Tower and have determined that the proposed

¹ See FCC File No. BLDSTA-20091023ABZ, as most recently extended by BELDSTA-20101005AAU.

² See FCC File No. BPCDT-20091001ACI. WLS recently filed an application to modify the outstanding construction permit to increase the authorized power for the Permanent Channel 44 Facility. See BMPCDT-20110331ABW.

antenna meets the initial mechanical and structural requirements for placement at the top of the Sears Tower.³ The WLS engineers are also working with the structural engineers at Sears Tower to finalize additional mechanical details associated with the proposed channel 44 antenna such as transmission line routing and other mechanical engineering details. Recognizing that this complex construction project could not be completed overnight, WLS developed the following three-phased construction plan to enable it to serve its viewers while the Permanent Channel 44 Facility is being built:

- *Phase One.* In late October 2009, WLS obtained special temporary authority from the FCC to broadcast on channel 44 from the Sears Tower at a lower ERP than authorized in the construction permit for the Permanent Channel 44 Facility (“Channel 44 Temporary Sears Facility”).⁴
- *Phase Two.* Phase Two required WLS to cease operation of the Channel 44 Temporary Sears Facility in order to enable it to replace the licensed VHF channel 7 antenna, located atop the Sears Tower, with a new permanent channel 44 UHF antenna. Accordingly, in April 2010, WLS obtained special temporary authority to operate on channel 44 from the John Hancock Building in order to permit WLS to take steps to complete construction of the Permanent Channel 44 Facility at Sears Tower (“Temporary Channel 44 Facilities”).⁵ WLS currently is broadcasting from the John Hancock Building on channel 44 pursuant to the aforementioned authority.
- *Phase Three.* In Phase Three, WLS will complete construction of the Permanent Channel 44 Facility and, at that time, will file a license to cover its outstanding construction permit for these facilities.⁶

The Temporary Channel 44 Facilities operate at different technical parameters than those authorized for the Permanent Channel 44 Facility and, as a result, these facilities do not adequately serve the former WLS analog over-the-air viewing area. Accordingly, in October, 2009, WLS obtained an STA to operate the Channel 7 Translator to supplement WLS’s temporary over-the-air service on channel 44. The STA for the Channel 7 Translator, which the instant application seeks to extend, enables WLS to minimize disruption of service to its over-the-air viewers while WLS continues construction of the Permanent Channel 44 Facility as described above.

Grant of the instant application serves the public interest because it will enable continued over-the-air service to those viewers located beyond the coverage area served by the Temporary

³ An application for modification of construction permit has been filed which specifies the proposed new channel 44 antenna at the height that has been approved by the structural engineers for the Sears Tower. *See* FCC File No. BMPCDT-20110331ABW.

⁴ *See* FCC File No. BDSTA-20091026ACS.

⁵ *See* FCC File No. BDSTA-20100319AFB.

⁶ *See supra* note 2.

Channel 44 Facilities. In the absence of the “fill-in” service provided by the Channel 7 Translator, many of the aforementioned viewers may not be able to receive an over-the-air signal from WLS’s temporary facilities on channel 44. Similarly, grant of the instant application will enable continuity of service to those WLS viewers located within five to ten miles of the transmitting antenna of the Temporary Channel 44 Facilities. Because the Temporary Channel 44 Facilities operate with high gain antennas, those viewers located nearest to the transmitters are unable to receive WLS’s temporary channel 44 over-the-air signal. Instead, these viewers currently rely on the Channel 7 Translator to receive WLS’s over-the-air signal.

In short, if the Channel 7 STA is not extended, many of WLS’s current over-the-air viewers will suddenly and unexpectedly lose WLS’s over-the-air signal. As a result, many over-the-air viewers would lose their only source of ABC network programming. Many over-the-air viewers also would lose WLS’s locally-produced programming, which they have come to depend upon for news, emergency alerts and public affairs information. Thus, grant of the instant request for continued authority to operate the Channel 7 Translator is necessary to prevent sudden loss of service to many of WLS’s current over-the-air viewers who are accustomed to receiving WLS’s network and local programming.

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For the public interest reasons set forth above, and because grant of the instant STA extension request would not result in the creation of additional interference of greater than 0.5% to any affected television station,⁷ WLS Television respectfully requests an extension of the STA for the Channel 7 Translator.

⁷ To determine whether the Channel 7 Translator satisfies the 0.5% interference standard, WLS evaluated predicted interference using the technical specifications set forth in Appendix B to the DTV Table of Allotments as a baseline.