

Diversified Broadcasting, Inc. ("Diversified") has met the July 1st Replication/Maximization deadline (the "July 1st Deadline"), as extended by the Commission,¹ by operating WCJB-DT, Gainesville, Florida, Fac. ID 16993 with its STA facilities, which, as explained below, exceed WCJB-DT's replication facilities. According to the Public Notice released on June 14, 2006, Diversified must have on file an application for a minor change of its existing construction permit to reflect its current STA facilities, as well as an application for extension of the existing permit.² Diversified submits this minor modification application for WCJB-DT to comply with the July 1st Deadline.

Diversified has met the July 1st Deadline in regards to WCJB-DT. Diversified received a tentative DTV channel designation for WCJB-DT, Channel 16, in the channel election process on the station's current digital channel. *See* BFRECT-20050209AJH. Such licensees must construct "full, authorized DTV facilities."³ Full, authorized DTV facilities refer to the facilities Diversified certified to in its FCC Form 381, Digital Channel Election Pre-Election Certification Form.⁴ In its Form 381, Diversified certified that it would provide DTV service based on its replication facilities. *See* BCERCT-20041105BCM.

Diversified is currently operating WCJB-DT pursuant to Special Temporary Authority with facilities greater than its replication facilities. *See* BDSTA-20050803ADT, as extended by BEDSTA-20060407ABJ. According to the Commission's Public Notice released on December 21, 2004, WCJB-DT's replication facilities reflected operations with an ERP of 91.0 kW.⁵ WCJB-DT's current STA facilities are operating with an ERP of 343.6 kW. Thus, Diversified has met the July 1st Deadline with WCJB-DT's STA facilities. In all likelihood, the Commission will not have had time to process the instant application for modification of WCJB-DT's facilities before a license application can be filed on July 7, 2006. Therefore, WCJB-DT previously submitted a request to extend the STA until the instant application has

¹ *See DTV Channel Election Issues – Media Bureau Extends Filing Deadline for Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline to July 7, 2006*, Public Notice, DA 06-1372, MB Docket No. 03-15 (released June 29, 2006).

² *See DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline*, Public Notice, DA 06-1255, MB Docket No. 03-15 (released June 14, 2006) (the "July 14th Notice")

³ *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18279, para. 78 (the "Order").

⁴ *See Order*, 19 FCC Rcd at 18296, para. 41 and FCC Form 381.

⁵ *See DTV Channel Election Information and First Round Election Filing Deadline*, Public Notice, DA 04-3922, Table II (released December 21, 2004).

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been granted and Diversified can file a license to cover the STA facilities. *See* BEDSTA-20060630AHH.

At the time Diversified filed its Form 381, its application for a construction permit for WCJB-TV's digital facilities was pending. The application sought authority to construct WCJB-TV's maximized digital facilities. *See* BPCDT-19991101AGS (the "Maximization CP"). Because the Maximization CP application was pending, Diversified could not certify that it would provide DTV service to WCJB-DT's maximized facilities and was forced to certify that it would provide replication service. However, Diversified noted in its Form 381 that it would seek to provide maximized DTV service by the end of the digital transition after the Maximization CP application was granted.

Because Diversified has met the July 1st Deadline, it has preserved interference protection for WCJB-DT's maximized facilities. Because the instant application will not be granted before the July 1st Deadline – allowing Diversified to file a license to cover the STA facilities – a request to extend the Maximization CP until the end of the digital transition is simultaneously being filed with this application to preserve its right to expand its digital service and maintain interference protection to WCJB-DT's maximized service area.