

## EXHIBIT 7

### Request for Waiver of 47 C.F.R. § 73.3517 and § 73.3518

By this application, Paxson Communications LPTV, Inc. (“Paxson LPTV”) seeks authorization for the construction of modified facilities for KBPX-LP (the “Station”). The Station has pending a facilities modification to relocate its transmitter, increase its tower height, and increase power (the “Pending Application”).<sup>1</sup> As explained below, Paxson LPTV is submitting the instant relocation application, which proposes a different transmitter site than the Pending Application, as a component of a proposal to relocate full-power station KPXB(TV/DT), Conroe, Texas to a new transmitter site at Missouri City, Texas (the “KPXB Application”).<sup>2</sup> Accordingly, waiver of Sections 73.3517 and 73.3518 of the Commission’s rules is hereby requested.<sup>3</sup>

Paxson LPTV is filing the instant application as part of a corporate effort to expand and improve PAXTV network service to the Houston DMA. Towards that end, on January 7, 2002, Paxson Houston filed the KPXB Application.<sup>4</sup> The Commission dismissed the KPXB Application because, although it proposed a substantial increase in the number of viewers that would receive service from KPXB(TV), it also proposed a service loss area. As an incident to KPXB(TV/DT)’s Petition for Reconsideration of the dismissal of its collocation application (the “KPXB Petition”), Paxson is filing the instant application, which proposes to relocate the Station to a transmitter site that would allow the majority of viewers in the KPXB Application’s proposed loss area to retain PAXTV service.<sup>5</sup>

To facilitate consideration of the instant application, the Commission would be required to waive Section 73.3517 and 73.3518 of its rules. Waiver of Section 73.3517 is required because Paxson’s proposed relocation is contingent on the outcome of the KPXB Petition; if the Commission were to deny reconsideration, Paxson would wish to revert to its pending relocation application. Waiver of Section 73.3518 is required because the instant application conflicts with the Pending Application, which proposes that the Station relocate to a different site.

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<sup>1</sup> See FCC File No. BPTTL-20030109AEW.

<sup>2</sup> See FCC File No. BMPCT-20020107AAJ, *application dismissed, reconsideration pending*. The KBPX Application was filed by Paxson Houston License, Inc. (“Paxson Houston”), licensee of KBPX(TV) and permittee of KBPX-DT, Conroe, Texas. KBPX(TV/DT) is the full-power PAXTV network affiliate for the Houston DMA. Both Paxson LPTV and Paxson Houston are affiliated with Paxson Communications Corporation (“PCC”), which is also owns the PAXTV network.

<sup>3</sup> See 47 C.F.R. §§ 73.3517, 73.3518.

<sup>4</sup> See FCC File No. BMPCT-20020107AAJ, Waiver of Minimum Spacing Requirements Attachment.

<sup>5</sup> The Station rebroadcasts the programming of KPXB(TV).

The instant application is filed to facilitate, not to obstruct, the Commission's processes. The Station's two relocation applications would remain pending only so long as the KPXB Petition remains unresolved. Depending upon the Commission's disposition of the KPXB Petition, Paxson will voluntarily withdraw either the Pending Application or the instant application.

The Commission waives its rules when the public interest is better served by deviation from established rules, rather than strict adherence.<sup>6</sup> As noted above, the facilities arrangement proposed in the KPXB Petition and the instant application are in the public interest because they will enable the Houston DMA to receive increased and improved PAXTV network service while minimizing loss of service to currently –served viewers. Under these circumstances waiver will serve the public interest more fully than enforcement of the Commission's restrictions on contingent and conflicting applications.

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<sup>6</sup> See, e.g., *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).