

WITI(TV), Milwaukee, Wisconsin (Facility ID No. 73107)
Extension of DTV “Phased” Authority
BDSTA-20081217AAP
October 2009

WITI(TV), Milwaukee, Wisconsin (the “Station”), licensed to Community Television of Wisconsin License, LLC (“Licensee”) hereby requests a one-month extension of its Special Temporary Authority (“STA”) (FCC File No. BDSTA-20081217AAP) to continue phased DTV service between October 18, 2009 and November 18, 2009.¹ The Station qualifies for an extension of its STA because over the last several weeks weather conditions have delayed completion of the final construction steps for the Station.

In its *Third Report and Order and Order on Reconsideration of the Implementation of the DTV Delay Act*, the Commission extended the expiration date for all stations with “phased” STAs until October 18, 2009.² For stations that are unable to complete construction of their authorized post-transition DTV facilities by October 18, 2009, the Commission has delegated authority to the Media Bureau to grant extensions on a case-by-case basis.³ To obtain an extension, the station must continue to qualify for a “phased” STA and must provide justification for why additional time is warranted given the station’s particular circumstances.⁴

The Media Bureau should grant a brief one-month extension of Licensee’s STA. Licensee had expected to complete construction of its final DTV facilities in early October. Poor weather conditions in the last few weeks, however, have prevented the tower crew from completing its work at the Station’s tower site. It appears increasingly likely that the tower crew will not be able to complete the final installation of the Station’s top-mounted antenna until shortly after October 18, 2009.

The Station continues to qualify for a “phased” STA due to “unique technical challenges” associated with replacement of its top-mounted analog antenna with its existing side-mounted digital antenna.⁵ The Station currently operates with a side-mounted DTV antenna, and its construction permit for post-transition facilities authorizes the replacement of the top-mounted analog antenna with its digital antenna.⁶ As Licensee demonstrated in its initial STA request,

¹ Because Licensee likely will not be implementing full facilities until shortly after October 18, 2009, Licensee also hereby requests to the extent necessary an extension of the Station’s DTV construction permit (FCC File No. BMPCDT-20081204ADM).

² *Implementation of the DTV Delay Act*, Third Report & Order & Order on Reconsideration, 24 FCC Rcd 3399, ¶ 61 (2009).

³ *Id.*

⁴ *Id.*, ¶ 66.

⁵ Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion To Digital Television, *Report and Order*, 23 FCC Rcd 2994, ¶ 53 (2007) (“*Third Periodic Review*”) (recognizing that the need to replace a top-mounted analog antenna with a DTV antenna for post-transition use qualifies as a “unique technical challenge”).

⁶ FCC File No. BMPCDT-20081204ADM.

operations pursuant to its “phased” STA have permitted the Station to serve all of the same population that received the Station’s pre-transition digital television service and over 100% of the population that received its analog television service.⁷ Licensee further certifies that the operations are not predicted to cause impermissible interference to other stations and that it has no reason to believe that they will prevent other stations from making their transition.⁸ Accordingly, Licensee seeks STA for one month through November 18, 2009, to complete the final stages of the installation of its top-mounted DTV antenna.

⁷ See FCC File No. BDSTA-20081217AAP. See also *Third Periodic Review*, ¶ 94 (requiring a station to reach 85% of its service population to qualify for a “phased” STA).

⁸ *Third Periodic Review*, ¶ 94.