

Request for Waiver of Section 73.622(f)(6)

The Board of Trustees of the University of Alabama (“University”), licensee of WUOA(TV), Tuscaloosa, Alabama, hereby requests waiver of Section 73.622(f) of the Commission’s Rules to allow grant of a construction permit authorizing the Station to permanently increase power to alleviate reception issues caused by the Station’s transition to a low-band VHF Channel.

The Commission may waive its rules “for good cause shown.”¹ The Commission has recognized that “a rule may be waived where the particular facts make strict compliance inconsistent with the public interest.”² In the case of WUOA, strict compliance with Section 73.622(f) would be inconsistent with the public interest because it would deprive many viewers of access to the Station’s free, over-the-air television signal. As explained below, good cause exists to waive compliance with Section 73.622(f)(6) and grant this application.

Since the completion of the DTV transition on June 12, 2009, it has become apparent that many stations operating on VHF channels have experienced unexpected reception problems. These problems are particularly severe for stations operating on low-band channels (channels 2-6). WUOA(TV), which transitioned from UHF channel 23 to low-VHF channel 6 at the end of the transition, has experienced significant reception issues of this type, including reception difficulties at cable and satellite headends.

University has worked with its engineers to evaluate possible solutions to this situation and has concluded that operation of the Station with the requested increased power level would help the Station resolve widespread service losses and continue to provide a high-quality signal to viewers, as well as cable and satellite headends, throughout its viewing area. The proposed operation is not expected to cause unacceptable new interference to any other station. Accordingly, strict compliance with Section 73.622(f)(6) of the Commission’s rules would dissuade the public interest and University submits that it has demonstrated good cause for waiver of those requirements.

¹ 47 C.F.R. § 1.3. See also *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

² See *request for Waiver of the Decision of the Universal Service Administrator by Douglas-Omaha Tech. Comm’n, Omaha, Nebraska*, Order, File No. SLD 427054, 21 FCC Rcd 9277, ¶ 5 (2006).