

**WGAL Replacement Translator
Statement Regarding “Substitution” of Channel 51 for 15**

As observed in the Engineering Exhibit of Joseph M. Davis, P.E., except for the channel number, the translator facility proposed herein will employ the same site and technical specifications as the WGAL replacement digital translator on Channel 15 recently authorized by Construction Permit (“CP”) in File No. BDRTCDT-20090824ADT. The FCC’s grant of the CP for BDRTCDT-20090824ADT is the subject of a Petition for Reconsideration filed by Lancaster County, PA (the “County”). Lancaster County has a pending waiver request to use frequencies within the television channel 15 spectrum for public safety purposes.

Hearst, in an extraordinary effort to be sensitive to the desires of the County’s public safety request and in an effort to bring finality to the construction of its replacement translator in Lancaster without the specter of Commission reconsideration hanging over its operations, herein seeks to specify Channel 51 for its Lancaster, PA, translator, which would avoid conflict with Lancaster County’s waiver request for Channel 15.

While Hearst does not believe that grant of the County’s Petition for Reconsideration is warranted, Hearst wishes to avoid the uncertainty of an ongoing proceeding relating to channel 15 so that it can fully construct and commence operation of its replacement translator. Upon grant of a CP for the Channel 51 translator, and the grant becoming final and not subject to any further review, Hearst will request cancellation of the Channel 15 translator CP (BDRTCDT-20090824ADT); provided, however that Hearst will continue to retain its Channel 15 translator CP if, during the pendency of the instant application, the County’s Petition for Reconsideration has been denied or the County’s waiver request either has been denied or has been granted with a condition that the County’s operations on channel 15 are secondary to television facilities including replacement translators.

Out of an abundance of caution, to the extent waiver of the contingent applications rule (Section 73.3517) is deemed necessary, Hearst hereby requests such a waiver based on the unique circumstances described above.

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