

**Request for Special Temporary Authority**

For Replacement Translator Facility  
to serve Staunton, Virginia, Channel 51

WHSV-TV, Harrisonburg, VA (Facility ID 4688), hereby requests Special Temporary Authority (“STA”) to operate a replacement translator facility on Channel 51 in Staunton, Virginia. The technical parameters of this facility are detailed in the attached Engineering Exhibit of Joseph M. Davis, P.E. of Chesapeake RF Consultants, LLC (“Engineering Statement”).

WHSV operated on analog channel 3 prior to the transition and now operates on digital Channel 49. WHSV is located in the Shenandoah Valley and a significant number of viewers within its predicted service contour cannot receive service because of terrain blockage resulting from the mountainous terrain. *See Engineering Exhibit, Figure 1.* When WHSV operated on Channel 3, the effect of the terrain blockage was less significant because of the technical capabilities of Channel 3 to refract over the mountains and other obstructions. Channel 49, unfortunately, does not have this same quality. *See Engineering Statement at 2.* The Channel 51 translator proposed here will restore service to 4,595 persons within the WHSV-TV Grade B contour, but beyond the WHSV-DT noise limited contour. *Id.* The proposed facility, likewise, will restore service to an additional 17,236 persons located within WHSV’s Grade B contour but not predicted by Longley-Rice to receive an adequate Channel 49 digital signal. *Id.* Thus, the facility proposed herein is predicted to restore service to at least 21,831 persons. *See attached letter from Chris Saxman, member of Virginia’s General Assembly, representing the 20<sup>th</sup> House District (Staunton, VA).*

The facility specified in this STA uses the tower and existing facility of WVPT(TV), a full power station that operated on analog Channel 51 and now operates on digital Channel 11. WHSV has secured use of this site, will use an existing antenna and requires no antenna or tower construction.

On April 29, 2009, WHSV filed a Form 346 seeking authority for a construction permit for this facility, see FCC File No. BDRTCT-20090501AAN. However, FCC staff has informally expressed concern that the contour extension beyond the WHSV’s Grade B contour may not be *de minimus*. The Order establishing replacement translator service did not define the parameters of a *de minimus* extension that would be acceptable, but rather indicated that each extension would be evaluated on a case-by-case basis. *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Replacement Digital Low Power Television Translator Stations*, MB Docket No. 08-253, 47 CR 1117 at ¶22 (2009).

In response to staff's concern, WHSV has evaluated options to reduce the reach of the facility proposed in the application – one option is to reduce power, another is to seek an alternate location. However, both options compromise WHSV's goal of quickly restoring service to viewers. A decrease in the power level of the proposed facility will shrink the reach of the facility so that it does not extend the Grade B contour. Yet, the power decrease will also significantly compromise the ability of this facility to be received by indoor antennas. WHSV can search out an alternate site, however, this process will take time and require the purchase of equipment and construction of a new facility. Thus, delaying the restoration of service to WHSV viewers.

Therefore, in order to advance its goal of returning service to its viewers, WHSV requests authority to operate the facility specified in FCC File No. BDRTCT-20090501AAN pursuant to Special Temporary Authority ("STA") while it investigates and pursues alternate locations for a replacement translator that can serve this region.





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TWENTIETH DISTRICT

COMMITTEE ASSIGNMENTS:  
TRANSPORTATION  
COUNTIES, CITIES AND TOWNS  
COMMERCE AND LABOR  
AGRICULTURE, CHESAPEAKE AND  
NATURAL RESOURCES

6 August 2009

FCC Media Bureau,  
Video Division

To Whom It May Concern:

I was very relieved to learn that our local television station, WHSV- TV3, planned to install a translator in Augusta County, Virginia, to cover gaps in signal loss since the June 12th digital transition.

I am currently a member of Virginia's General Assembly representing the 20th House District, which includes portions of Augusta County, and I have fielded a number of concerns and complaints from residents in my district who can no longer get over-the-air television. Many of these people cannot afford cable or satellite, and if there was a disaster, weather or otherwise, they could be left without access to important warnings or information. Many of these people are elderly and besides providing emergency information, television is often their only source of entertainment and news.

I contacted the general manager of the station to find out what could be done and was pleased to hear about the translator solution she told me the station hoped to sign on. Unfortunately, I then learned that the FCC may not grant this translator application because the coverage is not an exact matchup to what was lost when the Channel 3 analog was turned off. On behalf of my constituents, I am asking that you please reconsider this decision.

Based on the number of conversations I have had with people who have become completely disenfranchised in the switch to digital transmission, I know that your reconsideration would help many people.

Thank you for your time and consideration on this issue.

Sincerely

A handwritten signature in blue ink, appearing to read "Chris Saxman", written over the word "Sincerely".

Chris Saxman