

FCC Form 340

EXHIBIT 1

Mountain Lake Public Telecommunications Council
Station WCFE-DT, Plattsburgh, NY (FIN: 46755)

Mountain Lake Public Telecommunications Council ("MLPTC") requests a waiver of Sections 73.3518 and 73.3520 of the FCC's rules regarding conflicting and multiple applications in order to permit the acceptance of this application at this time.

MLPTC filed a minor modification of construction permit application for DTV Station WCFE-DT on March 5, 2004 in FCC File No. BMPEDT-20040305ABY. That application is currently pending before the FCC.

MLPTC also holds a permit for WCFE-DT in BPEDT-20000427ACT, and a Special Temporary Authorization ("STA") for reduced power operation of WCFE-DT in BDSTA-20030224ACW. MLPTC plans to commence operation of WCFE-DT shortly, pursuant to the grant of reduced power STA. Ultimately, MLPTC plans to convert the STA facility into an auxiliary antenna/stand-by facility for WCFE-DT.

The pending March 5th modification application for WCFE-DT proposes to replace the authorized WCFE-DT directional antenna with a different directional antenna so that a common antenna can be used for WCFE's digital and analog operation. Use of a common antenna will result in significant cost savings to MLPTC. As explained in the attached Engineering Statement, MLPTC's existing WCFE-TV mountaintop tower is not capable of supporting another antenna for DTV nor being modified to do so, and replacement of the tower is not economically or technically feasible. The March 5th application also proposes to reduce the WCFE-DT ERP from 100 kW to 60 kW. The instant application matches the pending March 5th modification, except that it proposes to increase the WCFE-DT ERP back to 100 kW.

MLPTC requires the two simultaneous modification of permit applications because its March 5th modifications to the WCFE DTV and analog facilities are related to a grant request for federal funding from the Public Telecommunications Facilities Program ("PTFP"), NTIA, Department of Commerce. The PTFP rules require any funding applicants with proposals that require FCC authorization, such as MLPTC, to have grant-eligible FCC applications on file. Mindful of the lengthy delays that the Canadian approval process has recently imposed on FCC DTV application processing, MLPTC chose to file its March 5th 60 kW application for WCFE-DT first, in order to allow for a relatively quick grant that could make possible the critical receipt of funding during the FY 2004 PTFP grant cycle. The March 5th 60 kW modification was designed such that the authorized power was not exceeded in any direction and the station's interference contour toward Canada was maintained at previously authorized levels. Accordingly, the March 5th 60 kW application should not require the Canadian clearance process and should be eligible now for FCC approval, allowing MLPTC's PTFP funding proposal to be grantable as well.

Ultimately, however, MLPTC wishes to operate the long-term WCFE-DT main station facility at 100 kW, as proposed by the instant application. As detailed in the attached Engineering Statement, this application would create the same amount of interference to Canada as the station's original allotment was predicted to cause. Thus, while Canadian approval should ultimately be forthcoming for the instant application, MLPTC currently wishes to maintain its pending, and less burdensome, March 5th 60 kW application in order to preserve its FY 2004 PTFP funding eligibility.

Moreover, MLPTC currently holds an out-of-core analog Channel 57 authorization for WCFE. MLPTC therefore plans to eventually stay on WCFE's allotted DTV Channel 38 at the end of the digital transition. For that reason, it is also important for MLPTC to file its instant 100 kW application for the permanent WCFE-DT facility at this time, in order to protect its future coverage rights for its long-standing local noncommercial educational television station.

For all of the above reasons, MLPTC respectfully submits that the public interest would be served by allowing a waiver of Sections 73.3518 and 73.3520 of the FCC's rules to permit the filing and acceptance of multiple and conflicting modification of permit applications for station WCFE-DT.