

Request for Special Temporary Authority Alternative Buildout

WXOW-WQOW Television, Inc. (“WXOW-WQOW”) is the licensee of WQOW-TV, analog Channel 18, and the permittee of pre-transition digital Channel 15, Eau Claire, Wisconsin (FIN 64550) (“WQOW”). WQOW is an authorized satellite of commonly owned station WXOW-TV/-DT, analog Channel 19, pre-transition digital Channel 14, post-transition digital Channel 48,¹ La Crosse, Wisconsin (FIN 64549). WQOW currently operates its pre-transition Channel 15 digital facility with reduced power of effective radiated power (“ERP”) of 101 kW at 280 meters height above average terrain (“HAAT”) specified in the post-transition digital construction permit (File No. BMPCDT-20041001AOM) pursuant to special temporary authority (File No. BMDSTA-20040521AIF, most recently extended by BEDSTA-20080303AIX). The pre-transition Channel 15 digital facility is located at the same transmitter site as the Channel 18 analog facility.

WQOW received a tentative channel designation (“TCD”) to operate digitally on Channel 15 post-transition with an Appendix B facility of 200 kW ERP at 280 meters HAAT at the same transmitter site as its current pre-transition Channel 15 digital facility and Channel 18 analog facility. WQOW has a granted post-transition digital construction permit (File No. BMPCDT-20041001AOM), which matches the Appendix B facilities. By email dated November 4, 2004, WQOW notified the FCC that, because the station is an authorized satellite station, WQOW will take advantage of the FCC’s rule that authorizes the construction deadline for WQOW-DT’s post-transition digital facility to be February 17, 2009.

WXOW-WQOW will not be able to complete construction of WQOW-DT’s post-transition digital facility until approximately August of 2009 because WQOW will be using post-transition, the transmitter currently being used by its sister station WXOW-TV/-DT. Specifically, WQOW will be re-tuning the current transmitter used by WXOW-DT’s pre-transition Channel 14 digital facility to Channel 15 and adding it to WQOW-DT’s current pre-transition transmitter as the transmitter for WQOW-DT’s post-transition digital transmitter. As WXOW-TV/-DT will use its current transmitter until the DTV transition date, WQOW hereby seeks an extension of the construction deadline beyond the current deadline of February 17, 2009 for a period of approximately six months to

¹ As requested by WXOW-WQOW in a petition for rulemaking, the Commission substituted post-transition digital Channel 48 for Channel 14 at La Crosse, Wisconsin. *Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (La Crosse, Wisconsin)*, Report and Order, DA 08-11480, MB Docket No. 08-156, RM-11480, released October 6, 2008 (“DTV Channel 48 Order”). The DTV Channel 48 Order, which will become effective 30 days after publication in the Federal Register, also ordered WXOW to file an FCC 301 minor change application for a construction permit to specify post-transition digital Channel 48 for WXOW-DT within 45 days after the effective date of the DTV Channel 48 Order (“Channel 48 CP Application”). As soon as the DTV Channel 48 Order becomes effective, WQOW will promptly file the Channel 48 CP Application, which will specify the same transmitter site as WXOW-TV/-DT’s current pre-transition Channel 14 digital facility and Channel 19 analog facility.

August 17, 2009 under the Commission's alternative buildout standard enunciated in the *Third Periodic R&O*.²

The Commission will authorize special temporary authorizations for stations to operate post-transition facilities at less than their full, authorized facilities (as defined in DTV Table Appendix B) provided that stations show either: (1) a unique technical challenge and the station serves at least 85 % of the same population that receives the station's current analog TV and DTV service; or (2) a significant technical impediment to the construction of their full, authorized facilities that would not otherwise qualify for an extension of time to construct facilities under the Commission's new, stricter standard adopted in the *Third Period R&O* and the station serves at least 100 % of the same population that receives the station's current analog TV and DTV service so that over-the-air viewers will not lose TV service.³

In the instant case, the Commission's alternative buildout standard is satisfied under both standards because of the unique technical challenge of re-tuning the current transmitter used by WXOW-DT's pre-transition Channel 14 digital facility to Channel 15 and adding it to WQOW-DT's current pre-transition transmitter as the transmitter for WQOW-DT's post-transition digital transmitter, and because continuation post-transition of WQOW-DT's current Channel 15 digital facility (of 101 kW ERP at 280 meters HAAT) covers 100% of the population that currently receives the station's analog and DTV service.⁴ See Engineering Statement (attached). Accordingly, it is respectfully requested that the Commission extend the construction deadline for WQOW-DT's post-digital facility to August 17, 2009.

² *Third Periodic Review of the Commission's Rules & Policies Affecting the conversion to Digital Television*, MB Docket No. 07-91, Report and Order, 23 FCC Rcd 2994, at paras. 94 et seq. (2007) ("*Third Periodic R&O*").

³ *Id.*

⁴ As post-transition operation of WQOW-DT's current digital Channel 15 operations covers 110% of the population that currently receives the station's analog and DTV service, WXOW-WQOW is not required to notify viewers on the station's analog channel about the planned delay in construction and operation of the station's post-transition DTV service. *Id.* at para. 91.



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**ENGINEERING STATEMENT
IN SUPPORT OF A REQUEST FOR
SPECIAL TEMPORARY AUTHORITY PURSUANT
TO THE PHASED TRANSITION ALTERNATE
BUILDOUT PROVISION**

This statement was prepared on behalf of WXOW-WQOW Television, Inc. (“WXOW-WQOW”), licensee of satellite station WQOW-TV, analog TV Channel 18, and pre-transition DTV Channel 15, Eau Claire, Wisconsin (FIN 64550), in support of a request for special temporary authority (“STA”) pursuant to the Commission’s phased transition alternate buildout provision for stations facing a unique technical challenge¹. Specifically, WQOW-DT proposes to continue operating its pre-transition low power digital STA facility beyond the transition date since construction of its authorized facilities for post-transition operation on the same channel cannot be fully completed until approximately August of 2009. WXOW-WQOW plans to retune and install existing transmission equipment currently used for pre-transition digital operation by its commonly owned parent station WXOW-DT, and extension of the construction deadline is necessary as the parent station’s equipment will not be available until the end of the DTV transition. As such, WXOW-WQOW seeks approval to continue operating WQOW-DT at intermediate facilities during this extended construction period so that the station can maintain service to the same population that receives its current analog TV and pre-transition DTV service.

Continuation of the pre-transition STA on Channel 15 beyond the DTV transition entails the same facilities described in the station’s outstanding construction permit, BMPCT-20041001AOM, except that effective radiated power is reduced to 101 kW. Since the existing digital STA exceeds the coverage of its associated analog facility, and considering that all analog interference will be eliminated after the DTV transition ends, continued authority to operate the temporary digital facility will essentially increase existing service to 305,466

¹ *Third Periodic R&O*, at paras. 94 et seq.



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viewers². Below is a table reflecting the predicted service populations for both the existing analog TV and pre-transition DTV operations and the percentage of service that will be maintained³:

Existing Facilities	Service Population	Maintained by STA
WQOW analog TV Ch. 18, BLCT-20000728AEE	248,317	100%
WQOW-DT Ch. 15, BMDSTA-20040521AIF	301,715	100%

Accordingly, the temporary intermediate facility proposal for WQOW-DT exceeds the service requirement for relief under the alternate buildout provision for stations having a unique technical challenge.

Prepared by,

_____/s/_____

D. Scott Turpie

² Service population was calculated in accordance with the standard prediction methodology described in FCC OET Bulletin No. 69.

³ Service populations for facilities authorized prior to October 7, 2004 were taken from Public Notice, "DTV Channel Election Information and First Round Election Filing Deadline", DA 04-3922, Table I, released December 21, 2004, and for those facilities authorized after that date the amounts have been updated using the standard OET 69 prediction method.