

ATTACHMENT 6
Request for Waiver of Section 73.3517

Although the modification to KBPX-LP (the “Station”) proposed herein is predicted to cause interference to station KVIT-LP, grant nonetheless is permissible once the Commission grants the pending modification application for full power station KPXB(TV) (Conroe, Texas), licensed to Paxson Houston License, Inc.¹ Accordingly, waiver of Section 73.3517 of the Commission’s rules (47 C.F.R. § 73.3517) restricting contingent applications is hereby requested to facilitate processing of this application and resolution of DTV interference received to Station viewers.

The Station is proposing the modifications reflected in this application to overcome received interference from recently authorized DTV operations of KTRK-DT (Houston, Texas). In addition, the proposed modifications would help overcome extensive interference that will be received when KITU-DT (Beaumont, Texas), KHOU-DT (Houston, Texas), and KPRC-DT (Houston, Texas) commence full power operations.

But for the existence of a consent agreement, the Station’s proposed facilities would cause impermissible interference to station KVIT-LP. However, the licensee of KVIT-LP has agreed to accept any and all interference from full power station KPXB(TV).² Accordingly, grant of the pending KPXB(TV) modification application effectively would result in masking the interference that the Station is predicted to cause KVIT-LP, clearing the way for grant of the instant application.³ In other words, for the Commission to grant the instant modification application, it must first grant the KPXB(TV) modification application.

Accordingly, Paxson respectfully requests that the Commission defer processing the instant application until such time as it has acted upon the pending KPXB(TV) modification application. Such forbearance would preserve the instant application’s temporal priority and facilitate the Station’s attempt to rectify DTV interference that viewers receive. To the extent necessary, Paxson hereby requests waiver of the Commission’s prohibition against the filing of contingent applications. In requesting waiver, Paxson stresses that it is not seeking concurrent action of two applications but only a deferral of action on the instant one.

¹ See FCC File No. BMPCT-20020107AAJ.

² See *id.* A copy of the interference agreement found therein is attached hereto.

³ A *de minimis* amount of interference would be unmasked.