



Federal Communications Commission
Washington, D.C. 20554

Anne Goodwin Crump, Esq.
Fletcher, Heald & Hildreth, PLC
11th Floor
1300 North 17th Street
Arlington, VA 22209

Margaret L. Miller, Esq.
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, DC 20036

Robert M. Sherman, Esq.
Covington & Burling, LLP
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004

Re: WFXG-DT, Augusta, GA
Petition for Rulemaking
Amendment of Section 73.622(i)
DTV Channel Substitution
File No. BPRM-20080620AON
Facility ID No. 3228

WRLK-DT, Columbia, SC
Application for Digital Construction
Permit
File No. BPEDT-20080620ACO
Facility ID No. 61013

WMBF-DT, Myrtle Beach, SC
Application for Digital Construction
Permit
File No. BMPCDT-20080620ABU
Facility ID No. 83969

Dear Counsel:

This is with respect to the above-referenced: (1) rulemaking petition filed by Southeastern Media Holdings, Inc. seeking to substitute DTV channel 31 for the assigned DTV channel 51 for WFXG-DT, Augusta, Georgia; (2) maximization application filed by South Carolina Educational Television Commission for television station WRLK-DT, Columbia, South Carolina; and (3) maximization application filed by WMBF License Subsidiary, LLC for television station WMBF-DT, Myrtle Beach, South Carolina. Our engineering analysis shows that the proposed channel substitution facility for WFXG-DT is predicted to cause interference to 0.69% of the population within the noise limited contour of the facility proposed in the WRLK-DT application, and that the facility proposed in WRLK-DT's

application is predicted to cause interference to 3.68% of the population within the noise limited contour of the facility proposed in the rulemaking petition. In addition, the facility proposed in WRLK-DT's application is predicted to cause interference to 0.91% of the population within the noise limited contour of the facility proposed in the WMBF-DT application. Accordingly, the above-referenced rulemaking petition and applications are mutually-exclusive.

When the Commission lifted the freeze on the filing of DTV maximization applications and petitions for digital channel substitutions,¹ it announced that until the end of the statutory DTV transition on February 17, 2009, mutually-exclusive applicants would be provided a 30-day period of time to resolve their mutual-exclusivity via engineering amendment or settlement, rather than the 90-day period afforded by Section 73.623(h) of the rules.² Similarly, we also shorten the settlement period for rulemaking petitions and mutually-exclusive maximization applications that were received on or before June 20, 2008. If the parties resolve their mutual-exclusivity, we will continue the rulemaking process by issuing the appropriate order and will also continue processing the maximization application. If the parties are unable to resolve their mutual-exclusivity, we will dismiss the rulemaking petition and the maximization application.

Accordingly, the parties have 30 days from the date of this letter to resolve their mutual-exclusivity, either by entering into an interference consent agreement or proposing engineering solutions to eliminate the amount of interference. Submissions involving an application must be filed electronically on FCC Forms 301 and/or 340 using the Commission's Consolidated Database System ("CDBS") via the Internet from the Media Bureau's Web site at

<http://www/fcc/gov/mb/cdbs.html>

or

http://fjallfoss.fcc.gov/prod/cdbs/forms/prod/cdbs_ef.htm.

Submissions involving a rulemaking petition must be filed with the Office of the Secretary and an electronic copy sent to joyce.bernstein@fcc.gov and ron.graser@fcc.gov.

Sincerely,

Clay C. Pendarvis
Associate Chief, Video Division
Media Bureau

¹ See "Commission Lifts the Freeze on the Filing of Maximization Applications and Petitions for Digital Channel Substitutions, Effective Immediately," *Public Notice*, DA 08-1213, released May 30, 2008.

² 47 C.F.R. § 73.623(h)(3).