

**Request for Special Temporary Authority
Alternative Buildout
Part I**

West Virginia Educational Broadcasting Authority (“WVEBA”) is the noncommercial licensee of WNPB-TV, analog Channel 24, and WNPB-DT, digital Channel 33, Morgantown, West Virginia (FIN 71676). The station’s analog and digital facilities share the same tower, with the analog Channel 24 antenna top-mounted and the digital Channel 33 antenna side-mounted. WNPB-DT’s licensed facility (File No. BLEDT-20040108AKW) does not match its Appendix B facility because the digital Channel 33 antenna is currently side-mounted.

The construction deadline for WNPB-DT’s post-transition digital facility is currently February 17, 2009.¹ WNPB-DT was granted on June 4, 2008, a construction permit for the station’s post-transition facility with parameters that match the station’s Appendix B facility more closely (File No. BPEDT-20080321AAK) (“Appendix B Facility”). On June 19, 2008, WVEBA filed an application for a maximized construction permit, which remains pending before the Commission (BMPEDT-20080619ACQ) (“Maximized Facility”). WVEBA intends to construct the Appendix B Facility as its post-transition facility. WVEBA plans to construct the Maximized Facility, once granted, post-transition.

WNPB-DT will not be able to complete construction of WNPB-DT’s post-transition digital facility until approximately August of 2009 because WVEBA must remove the top-mounted analog Channel 24 antenna and replace it with the digital Channel 33 antenna in the top-mounted position. This can only be done after the DTV transition date as WVEBA will be providing analog service until the transition date and WVEBA must wait until winter weather conditions subside in order to install the digital antenna in the top-mounted position. For this reason, WVEBA hereby seeks an extension of the construction deadline beyond the current deadline of February 17, 2009 for a period of approximately six months to August 17, 2009 to continue to operate digitally on Channel 33 post-transition with the facilities specified in WNPB-DT’s currently licensed facility (File No. BLEDT-20040108AKW).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

¹ The FCC determined that WNPB-DT faced a “unique technical challenge” in completing construction of the station’s post-transition digital facility and thus extended the DTV construction deadline to February 17, 2009. *Television Stations Identified as Facing “Unique Technical Challenge” DTV Construction Deadline Modified to February 17, 2008*, Public Notice, DA 08-1672, released July 17, 2008.

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*”).

TV and DTV service so that over-the-air viewers will not lose TV service.³ Additionally, the Commission will provide special relief, if necessary, for noncommercial educational stations.

In this case, the Commission's first alternative buildout standard is satisfied because of the unique technical challenge of replacing the analog antenna in the top-mounted position with the digital antenna, and because continuation of digital operations post-transition with the facilities specified in WNPB-DT's currently licensed facility (File No. BLEDT-20040108AKW) covers 88.9% of the population that currently receives analog service and 91.3% of the population that currently receives digital service. *See* Engineering Technical Statement (attached). In accordance with the *Third Periodic R&O*, WVEBA will provide viewer notifications concerning its alternative buildout plans for WNPB-DT.

Accordingly, it is respectfully requested that the Commission extend the construction deadline for WNPB-DT's top-mounted post-digital facility (File No. BPEDT-20080321AAK) to August 17, 2009.

³ *Id.*