

KOERNER & OLENDER, P.C.

11913 Grey Hollow Court
North Bethesda, MD 20852-5706

Tel. (301) 468-3336

Fax (301) 468-3343

bkofclaw@erols.com

Robert L. Olender *
rolender.law@comcast.net

June 28, 2006

James A. Koerner
jkoerner.law@comcast.net
*not admitted in MD

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Request for Waiver of the Replication/Maximization
Interference Protection Deadline for Construction Permit
(File No. BPEDT-20000428ADD)
Station WDTI-DT, Indianapolis, IN (FIN 7908)
MB Docket No. 03-15

Dear Mrs. Dortch:

By this letter, Indianapolis Community Television, Inc., the permittee of Station WDTI-DT, Indianapolis, Indiana (“WDTI”), hereby requests a waiver of the July 1, 2006, Replication/Maximization Interference Protection Deadline. (*See, In the Matter of Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18279, at Paragraph 78 (2004); see also Public Notice DA 06-1255 (June 14, 2006).)

As discussed in detail below, a waiver is warranted here because the commencement of full-power operations has been delayed because WDTI's Tower Company is installing a community antenna which they own and WDTI is going to feed into it. Once this has been installed, the channel combiner can be installed into the master antenna with several other full power-power DTV stations in the market.

WDTI is also filing concurrently with this waiver request an extension of its Construction Permit (BPEDT-20000428ADD) and a renewal of its Special Temporary Authority (STA)(BEDSTA-20060120ABZ). This permit must be extended and the STA renewed to maintain its authorization pending the filing of its license.

For the above reasons, WDTI submits that good cause exists to grant this waiver request. WDTI has been delayed by factors beyond its control which is the need for the Tower Company to complete its installation of its master antenna. (*See, e.g., Digital Television Construction Deadline*, 16 FCC Rcd 8122 at Paragraph 8 (2001) the station experience a delay in the arrival of the antenna as well as a delay of skilled electricians to perform the work thus warranting the extension of DTV construction deadlines; see also Instructions, FCC Form 337, at Item 5 ("technical obstacles as equipment delivery delays and unavailability of tower crews would be unforeseeable events warranting additional time to construct.")). Moreover, given the importance of insuring that viewers receive over-the-air digital signals, the public interest would be served by granting WDTI additional time to comply with the replication/maximization deadline.

Should further information be desired in connection with this matter, please communicate with this office.

Sincerely,

Robert L. Olender
Counsel for
Indianapolis Community Television, Inc.

RLO/mp

cc: Shaun Mauer, FCC (Via Email)