

FCC Form 301
Request for Waiver of Section 73.622(f)(6)

WCYB-TV, Bristol, Virginia

BlueStone License Holdings, Inc. (“BlueStone”), licensee of WCYB-TV, Bristol, Virginia (the “Station”), respectfully requests a waiver of Section 73.622(f)(6) of the Commission’s Rules (specifying maximum power limits) in order to permit the Station to permanently increase its power.

Section 1.3 of the Rules provides for waiver of a Rule “for good cause shown.”¹ The Commission has recognized that “a rule may be waived where the particular facts make strict compliance inconsistent with the public interest.”² In this case, strict compliance with the power limits set forth in Section 73.622(f)(6) would be inconsistent with the public interest because it would deprive many viewers of access to the Station’s free, over-the-air television signal. For the reasons set forth below, there is good cause to waive Section 73.622(f)(6) and grant this application.

By way of background, the Station’s transition to final digital operations in June 2009 involved a migration from an interim UHF channel to its current VHF channel. This change to VHF operations caused large numbers of over-the-air viewers to lose reception. The widespread impact of this service loss was evidenced by approximately 1,200 telephone calls and e-mails from viewers.

Seeking to address this problem, the Station sought Special Temporary Authorization (“STA”) to operate with an effective radiated power (“ERP”) of 29.9 kW—the ERP specified in the instant application. The FCC granted that request. *See* FCC File No. BDSTA-20090708AGZ. Viewer outreach by Station personnel and a dramatic decrease in viewer calls and e-mails indicate that the power increase substantially resolved the reception problems. In addition, the Station performed field strength tests that provided further support for this conclusion. *See* FCC File No. BEDSTA-20100105AAZ.

Making this power level permanent would resolve widespread service losses and enable the Station to continue to provide a robust digital television service to the many viewers that rely on the Station’s over-the-air signal. Meanwhile, no other television station would experience impermissible interference. Accordingly, strict compliance with Section 73.622(f)(6) would be inconsistent with the public interest, and the Station respectfully submits that it has shown good cause for a waiver.

¹ *See* 47 C.F.R. § 1.3. *See also* *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

² *See Request for Waiver of the Decision of the Universal Service Administrator by Douglas-Omaha Tech. Comm’n, Omaha, Nebraska*, Order, File No. SLD 427054, 21 FCC Rcd 9277, at para. 5 (2006).