

Request for Special Temporary Authority Alternative Buildout

GB Lynchburg Licensing LLC (“Licensee”) is the licensee of WWCW(TV), analog Channel 21 and the permittee of WWCW-DT, digital Channel 20, Lynchburg, Virginia (FIN 24812). WWCW-DT was awarded digital Channel 20 as its post-transition digital channel. WWCW-DT currently operates on Channel 20 at lower power than the authorized digital construction permit pursuant to special temporary authority (“STA”) (File No. BDSTA-20020124ADH), most recently extended on May 29, 2008 (File No. BEDSTA-20080228AAY; Expiring November 29, 2008).

As an authorized satellite station, the deadline for constructing WWCW-DT’s post-transition digital facility is February 17, 2009. On May 3, 2001, WWCW-DT was granted a DTV construction permit with parameters that match the station’s Appendix B facility (File No. BPCDT-19991028AFD). On July 24, 2008, WWCW-DT was granted a maximized post-transition DTV construction permit, which specifies a new antenna and pattern, and an increase in effective radiated power (File No. BMPCDT-20080619AJT). Licensee intends to complete construction of this maximized post-transition facility by the DTV transition date.

Construction of WWCW-DT’s maximized post-transition facility will require replacement of the current top-mount antenna that is being used to provide analog and digital service with a new top-mount antenna. When Licensee ordered the new antenna months ago, the manufacturer provided an anticipated delivery date of November 2008. In October, the antenna manufacturer informed Licensee that the expected delivery date will now be mid-January 2009. Nevertheless, Licensee’s intention continues to be to complete construction of its maximized post-transition DTV facility by the February 17, 2009 DTV transition date. However, out of an abundance of caution, due to the manifest uncertainty concerning the actual delivery date of the antenna, the availability of the tower crew between that delivery and February 17th, and winter weather conditions in the mountains of Virginia, Licensee hereby seeks an extension of the DTV construction deadline for a period of six months, to August 17, 2009, so that Licensee may complete construction of WWCW-DT’s maximized post-transition facility and continue post-transition operation of WWCW-DT with the digital facilities specified herein until the current antenna in the top-mounted position can be replaced by the new antenna.¹

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 TV and DTV service so that over-the-air viewers will not lose TV service.²

¹ 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”).

² *Id.*

In order to maintain post-transition digital service to viewers who currently receive analog service, Licensee hereby seeks to increase the effective radiated power (“ERP) of the current digital STA (File No. BDSTA-20020124ADH; Pending Request for Extension File No. BEDSTA-20081114AAK) to 520 kW for post-transition operations. As explained in the attached Engineering Statement, the proposed post-transition digital STA facility will extend slightly beyond the contour of the authorized maximized post-transition construction permit (File No. BMPCDT-20080619AJT) . If the ERP of the proposed post-transition digital STA facility was decreased to 406 kW to remain within the contour of the authorized maximized post-transition construction permit, there will be predicted service loss to 439 people. Licensee therefore believes it is in the public interest for the Commission to permit WWCW-DT to operate at 520 kW ERP post-transition. If the Commission declines to grant an ERP of 520 kW, Licensee hereby requests that the Commission grant an ERP of 406 kW.

In this case, the Commission’s first alternative buildout standard is satisfied because of the unique technical challenge of replacing the current top-mounted analog/digital antenna with the new authorized top-mounted antenna after the transition date, and because operation post-transition of WWCW-DT with the STA facilities specified herein (at either 520 kW or 406 kW) will cover over 85% of the population that currently receives the station’s analog and DTV service.³ See Engineering Statement.

Accordingly, it is respectfully requested that the Commission extend the construction deadline for WWCW-DT’s top-mounted post-digital facility (File No. BMPCDT-20080619AJT) to August 17, 2009.

³ Post-transition operation of WWCW-DT with the STA facilities at 520 kW ERP will cover over 100% of the population that currently receives the station’s analog and DTV service, and thus WWCW-DT will not be required to notify viewers on the station’s analog channel about the planned delay in construction and operation of the station’s post-transition DTV service. *Id.* at para. 91. However, if the Commission alternatively grants post-transition STA facilities at 406 kW, Licensee will provide viewer notifications concerning the alternative build-out plans for WWCW-DT.