

## **WAIVER REQUEST**

MNE Broadcasting LLC, licensee of television station WDRL-DT, Danville Virginia ("WDRL"), hereby requests a waiver of the expedited processing requirement contained in paragraph 140 of the Report and Order in the Third Periodic Review (Digital Television) in Docket 07-91, FCC 07-228, released December 31, 2007 ("Third Report"). In support of the requested waiver, the following is shown:

Within the time established for expedited processing of digital applications for the facilities set forth in Appendix B of the Third Report, WDRL filed its application for a construction permit. Processing of the application has been held up because the application as filed covered approximately 85% of Appendix B population. The Appendix B facilities were based on the licensee's initial proposal to use a new omni-directional antenna for Channel 41, its authorized digital channel, at a specified new site.

Through no fault of the licensee, however, the new transmitter site proposed for WDRL was discovered to be unsuitable. The existing tower on the property was determined by the site owner to be too weak to support the WDRL antenna, and the power available was limited to 75 amps, less than needed to operate the station. The licensee was therefore forced to build WDRL's digital facilities at a site 2.4 miles west of the initially proposed site. The licensee subsequently decided to distribute its digital signal on Channel 24 instead, in order to make use of its existing analog transmitter and analog antenna.

Using the same antenna and transmitter as proposed resulted in a reduction of proposed population coverage from 917,000 people to 785,000 people. The present amendment proposes a new antenna that will reach 852,000 people, or 92% of the Appendix B population. WDRL simply cannot afford to replace its analog transmitter to get more power; it is a small, independent television station with a total staff of six fulltime employees (including the licensee's sole principal) and one parttime employee. It just spent \$10,000 to replace the main tube.

Although the present amendment is still 3% short of the Appendix B target, it represents a 2.5 times increase over the population served by the present analog operation on Channel 24. WDRL constructed digital facilities on Channel 41 at the site proposed in this application. The instant amendment proposes service to 3.5% more people than are now being served by the current digital facilities.

WDRL must move quickly to order the new antenna and have it delivered in time to construct new facilities before the DTV transition, and it therefore requests expedited processing and grant of this waiver request and of the application, as herein amended. In the alternative, WGRL requests a modification of its Appendix B facilities, as the staff is authorized to do in Paragraph 9 of the Third Report, to correspond to the proposed facilities. Clearly, the Commission felt that it was in the public interest to facilitate the DTV transition to avoid loss of service, so it authorized the staff to modify the Appendix B facilities without notice. Where, as here, any loss is merely hypothetical, relief is warranted.