

WAIVER REQUEST

L4 Media Group, LLC (“L4”), the licensee of Station WXSX-CA, Savannah, Georgia (Facility Id. 70427) (the “Station”), hereby requests a waiver of the freeze on the filing of certain minor modification applications by Class A stations. In light of the discussion below, L4 believes that the grant of a waiver in the instant matter would not undermine the purpose underlying the imposition of the application filing freeze, and would serve the public interest.

Specifically, the Commission imposed a freeze on the filing of applications that would change the coverage area of Class A facilities where it would serve an area not already served by the station.¹ This freeze was intended to provide a fixed spectral landscape for the FCC and full-power television stations to make their DTV channel elections. *Id.* Currently, the full-power TV stations have gone through two rounds of the channel election process, and it is expected that the final DTV Table of Allotments will be issued in late 2006.

BACKGROUND

L4 acquired the Station from the The Box Worldwide, LLC, on September 19, 2005. At that time, it was aware that the Station had a construction permit authorization (BPTTL-20020520AAK, the “Construction Permit”) that was to expire on January 8, 2006. The Construction Permit authorized, *inter alia*, an increase in the effective radiated power of the Station to 150 kW. L4 moved in an expeditious manner to acquire the necessary antenna and transmission equipment, and was ready to install the antenna at the authorized transmitter site in December. However, when it attempted to obtain authority to install the antenna from the tower owner, L4 was informed that a wind loading study would need to be completed prior to the installation of the transmission line that it intended to use.

After exhausting all other options, and with an eye towards the upcoming expiration of the Construction Permit, L4 filed a modification application (BMPTTA-20060104ABA) on January 4, 2006, to change tower locations, reduce the height of the antenna’s radiation center, and reduce the effective radiated power of the Station to 50 kW to take advantage of an existing transmission line. The modified facility was constructed, and a timely license to cover application (BLTTA- 20060106ADJ) was granted for these reduced facilities.

Subsequent to the licensing of this reduced facility, L4 received the approval from the owner of the tower specified in the license application to install the transmission line L4 had intended to install in December 2005. The installation of this transmission line will permit the Station to provide a level of service equivalent to that previously authorized by the Commission.

¹ *Freeze on the Filing of Certain TV and DTV Requests for Allotment or Service Area Changes*, Public Notice, 19 FCC Rcd 14,810 (2004)(the “Freeze PN”).

DISCUSSION

As noted previously, the underlying purpose of the filing freeze was to ensure that the television spectral universe was fixed for the DTV channel elections. When the first and second round of DTV channel elections were made, the Construction Permit was in full force and effect, and all DTV permittees were required to afford it due protection. Moreover, since the third round of elections have not yet taken place, the instant application will not harm the third round elections.

However, absent a waiver of the Freeze PN, L4 will not be permitted to file the instant application. Instead, L4 would be required to wait until the Commission announces that the freeze has ended, and licensees are able to submit minor modification applications that change the coverage contours of Class A facilities.

In the normal course, the imposition of the freeze would keep the spectrum fixed for all parties. However, the Commission has opened a filing window from May 1 to May 12 to permit Class A and Low Power television stations to file for companion channels on which they will be permitted to commence digital operations while continuing to operate their analog facilities.² It is widely expected that there will be hundreds, if not thousands, of applications that will be filed during this window. Moreover, in advance of this filing window, it is expected that there will be a flood of new applications by existing LPTV licenses before the April 3rd deadline that are seeking to increase coverage.

In light of this substantial number of applications that may restrict L4's ability to recover what it was once authorized, the instant application is being submitted with this waiver request. Clearly, the imposition of the freeze in 2004 was to provide a fixed spectral universe in which the full-power digital transition could operate. From the imposition of the freeze, until January 17, 2006, when the license authorization was issued, L4 was entitled to protection of a facility that would operate at 150 kW at 145 meters RCAGL. L4 has taken into consideration the brief lapse in protection from January 16, 2006 to the filing of the instant application, and has protected all applications filed during this period. The instant application merely seeks authorization to construct facilities that are equivalent to the facilities previously authorized by the Commission.

CONCLUSION

Therefore, the public interest would be served by the grant of the instant waiver request. Clearly, the channel election process, for which the freeze was imposed, would not be detrimentally impacted, since there have been no channel elections during the period of time between the grant of the license authorization in January, and the submission of this application.

² Announcement of Filing Window for LPTV and TV Translator Digital Companion Channel Applications from May 1, 2006 Through May 12, 2006, *Public Notice*, 21 FCC Rcd 418 (2006).

Moreover, in light of the anticipated flood of new applications during the Companion Channel window, the filing of the instant application, and the resulting protection of the facilities specified herein, is in the public interest to ensure that Station WXSX-CA would be able to expand its facilities to a level previously authorized.

Therefore, L4 Media Group, LLC, respectfully requests that the Commission grant a waiver of the Freeze PN, and process the instant application.