

WAIVER REQUEST

Paging Systems, Inc. ("Paging Systems"), the licensee of WLMF-LP, Miami, Florida (Facility ID No. 51285) ("WLMF"), currently operates on out-of-core channel 53 and hereby seeks a construction permit authorizing digital operations on channel 51.

The frequency associated with Channel 53 in Miami, Florida was won by Cellco Partnership d/b/a Verizon ("Verizon") in Auction 73. Paging Systems, therefore, is displaced from Channel 53.

Paging Systems believes that the proposed displacement facility for WLMF complies with the requirements of Sections 74.709, 74.793(e)-(h), 74.794(b), 73.1030 and other applicable parts of the Rules and Regulations of the Federal Communications Commission, except with respect to the current analog operations of stations WSBS-CA, Channel 50, Miami, etc., FL (Facility ID No. 29547), FCC File No. BLTTA-20050224ABG and WSCV(TV), Channel 51, Fort Lauderdale, FL (Facility ID No. 64971), FCC File No. BLCT-20020805AAC.

Paging Systems has negotiated the attached Interference Consent Agreement, in which WSBS Licensing, Inc., the licensee of WSBS-CA, agrees to accept interference caused by the proposed facility in exchange for Paging System's dismissal of its minor modification application for digital displacement of WLMF to Channel 3. *See* FCC File No. BDISDVL-20081006AIV. By dismissing WLMF's Channel 3 digital displacement application, Paging Systems will clear the way for WSBS-CA to obtain a grant of its digital companion channel construction permit for Channel 3 (FCC File No. BDCCDVL-20081209ACP), for which it was the high bidder in Auction 85.

Although WSCV(TV) currently operates in analog mode on Channel 51, the station will vacate Channel 51 at the end of the DTV transition to operate its post-transition DTV facilities on Channel 30. Paging Systems respectfully requests waiver of the Video Division's policy of disapproving LPTV applications that are "contingent" on a full-power station's move from the proposed channel at the end of the DTV transition.

Grant of the requested waiver will benefit the residents of Miami, Florida in two respects. It will enable WSBS-CA to offer digital service on the digital companion channel it sought in Auction 85. Further, grant of the requested waiver will expedite WLMF's transition from its current out-of-core channel to digital operations on an in-core channel. Finally, grant of this waiver will not burden WSCV(TV) or its viewers, as Paging Systems certifies that it will not begin operations on the proposed displacement facilities until WSCV(TV) vacates Channel 51 at the end of the DTV transition.