

Exhibit 36

Pursuant to Section 73.1635 of the rules of the Federal Communications Commission (“FCC” or “Commission”),¹ West Virginia Educational Broadcasting Authority (“WVEBA”), licensee of noncommercial digital television station WPBY-TV, Huntington, West Virginia (“WPBY”), respectfully requests a further extension of its special temporary authority (“STA”) to continue operations with reduced power in order to address a significant anomaly in its licensed transmitting antenna.² As demonstrated herein, further extension of the STA is in the public interest because it will enable WVEBA to continue to provide DTV service to its viewers as it continues to search for a technically and financially feasible solution to resolve the unforeseen damage to its licensed antenna.

Until the end of May 2009, WVEBA operated WPBY on channel 34 using a directional antenna pursuant to its DTV license, FCC File No. BLEDT-20040211AAL. However, beginning on or about May 26, 2009, the WPBY transmitter plant began experiencing a significant unknown anomaly. At that time, WPBY received a STA to operate an alternate facility at a nearby tower site in order to shut down and troubleshoot the licensed facility.³ Subsequently, it was determined that the power divider in the licensed antenna was irreparably damaged, and therefore needed to be replaced. In the interim, WPBY brought the antenna back online with reduced power by using one of the three antenna sections. Accordingly, on August 27, 2009, WPBY filed a request for STA to operate its licensed DTV facilities with reduced power.⁴ The FCC initially granted this request on September 23, 2009 (“WPBY STA”). Absent grant of the instant application, the WPBY STA currently is scheduled to expire on November 24, 2010.

Since the FCC granted the WPBY STA, WVEBA has been working to develop a permanent solution to its damaged antenna. For example, WVEBA has explored the possibility of adding additional modules to WPBY’s existing transmitter in order to restore the station’s power to its licensed technical parameters. However, given the significant costs associated with this option, WVEBA also has evaluated the possibility of using out-of-service parts from other WVEBA stations as an alternative to purchasing new equipment. At one time, WVEBA believed that it could use the out-of-service channel 53 transmitter from station WSWP-TV, in Beckley, West Virginia, in order to increase WPBY’s transmitter power. However, this option proved to be infeasible. Most recently, WVEBA investigated the possibility of using the out-of-service panel antenna of television station WOWK-TV, Huntington, West Virginia (“WOWK Antenna”). This

¹ 47 C.F.R. § 73.1635.

² See FCC File No. BDSTA-20090522AEB, as extended by BEDSTA-20100308ABC.

³ *Id.*

⁴ See FCC File No. BDSTA-20090827ABT.

option also proved infeasible, however, because the WOWK Antenna is being used by another station for its DTV operations and is unavailable for use by WPBY.⁵

WVEBA continues to explore possible solutions to the damaged WPBY licensed antenna, including the purchase of a new antenna to enable WVEBA either to replace the licensed antenna or to complete construction of the facilities specified in its outstanding maximization construction permit (“Maximization CP”).⁶ The primary obstacle to either course of action is financial. Specifically, since WVEBA depends on the donations of patrons and the assistance of grants to fund WPBY’s operations, the national financial crisis has made it impractical for WVEBA to secure the funding necessary to purchase a new antenna thus far. Nevertheless, WVEBA is exploring various sources of funding, including state support, in order to secure the necessary monies to procure a new antenna. WVEBA remains uncertain as to when it ultimately will be able to obtain these funds and, if so, whether such funds will be used to replace the currently licensed antenna or construct the facilities specified in the Maximization CP. WVEBA anticipates that it will have further information to enable it to move forward with this project in the next several months.

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For the reasons set forth herein, WVEBA requests a six month extension of the WPBY STA which will permit WPBY to continue to operate at the technical parameters specified in the WPBY STA until the station is able to find a technically and financially feasible solution to resolve the unforeseen damage to its licensed antenna.

⁵ See FCC File No. BLCDDT-20100422ABY (covering BPCDDT-20080618ADI).
⁶ See FCC File No. BPEDT-20080619ACN.