

WJHL-TV, Johnson City, Tennessee (Facility ID No. 57826)
Notice of Terminated Analog Operation
Special Temporary Authority Request for
Early Digital Operation on Post-Transition Channel
(and Termination of Pre-Transition DTV Operation)
February 2009

WJHL-TV, Johnson City, Tennessee (the “Station”), pursuant to the Commission’s *Third DTV Periodic Review*, hereby provides notice that the Station intends on February 17, 2009, to terminate analog service permanently. The Commission said that it would “permit a station to reduce or terminate its analog or digital service [after November 19th] by filing a notification.”¹ The Commission further stated that the notification “must include a showing that the service reduction or termination is necessary for purposes of the transition.”² *This instant notice is submitted because of the current existence of pending legislation that might postpone the analog termination deadline.*

The Station’s analog termination directly is related to the transition. For almost 3 years – since Congress in the Digital Television and Public Safety Act of 2005 established February 17, 2009, as the deadline for all television stations to terminate analog broadcast service – the Station has planned to transition as of February 17, 2009. Continued analog operation of the Station beyond the existing DTV transition deadline would result in a significant financial hardship, including unbudgeted costs for maintenance of the analog facility and electrical power consumption. The Station thus believes that this instant analog termination is necessary for purposes of the transition.

In addition to terminating analog service on February 17, 2009, the Station would have to switch to its post-transition DTV channel. The Station respectfully requests appropriate authority to commence early digital operation on Post-Transition Channel 11 beginning February 17, 2009, and terminate digital operation on Pre-Transition Channel 58 pursuant to the policies adopted in the *Third DTV Periodic Review*.³ The Station would operate at the parameters authorized in its post-transition construction permit.⁴ The Station notes that approval of the instant Special Temporary Authority request will allow the Station to terminate out-of-core DTV operations, which will permit 700 MHz new entrants to commence service early.

In the *Third DTV Periodic Review*, the Commission established the standards for such requests. The Commission said that it would allow stations to begin operating on their new channels before the transition date if (1) there was no impermissible interference; and (2) existing viewers would continue to be served.⁵ The Station believes this request effectively satisfies these standards. The Station commenced viewer notifications on February 2, 2009, and will continue to air at least 120 viewer notifications.⁶

¹ Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television, *Report and Order*, 23 FCC Rcd 2994, ¶ 133 (2007) (“*Third DTV Periodic Review*”).

² *Id.*

³ *Id.*, ¶ 121.

⁴ See FCC File No. BMPCDT-20080619ACA.

⁵ *Third DTV Periodic Review*, ¶ 121.

⁶ *Id.*, ¶ 134 (requiring viewer notifications on a station’s pre-transition channels at least four times per day, including once in primetime each day, for the 30 days prior to the termination of service; the Station will ensure that at least 120 notices will be aired).