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June 17, 2005

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**ELECTRONICALLY FILED
(VIA ECFS)**

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Facility ID Number: 36912

**Re: MB Docket No. 03-15
WSAZ-DT, Huntington, WV
Request for Waiver of Replication/Maximization Interference
Protection Deadline**

Dear Ms. Dortch:

On behalf of Emmis Television License, LLC (“Emmis”), the licensee of digital television (“DTV”) station WSAZ-DT, Huntington, West Virginia (Facility Id. No. 36912) (“WSAZ”), we hereby request a waiver of the July 1, 2005 replication/ maximization interference protection deadline for digital television stations affiliated with the top four networks in markets 1-100. *See Second Periodic Review of the Commission’s Rules and Regulations Concerning the Transition to Digital Television*, MB Docket No. 03-15, FCC 04-192, ¶ 78 (rel. Sept. 7, 2004). This request is being filed electronically through ECFS pursuant to the FCC’s public notice regarding requests for waiver of the deadline. *See Public Notice, DTV Channel Election Issues – Compliance with the July 1, 2005 Replication/ Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline*, DA 05-1636 (rel. June 15, 2005).

Station WSAZ currently operates on NTSC channel 3 and DTV channel 23. As a top four network-affiliated station in one of the nation’s top 100 markets that has chosen its digital channel for post-transition operation, the station is subject to the Commission’s July 1, 2005 replication/ maximization interference protection deadline and must construct full, authorized facilities by that date. As explained below, WSAZ is unable to complete construction by that date, rendering a waiver of the deadline appropriate. *See id.* ¶ 87; *see also* 47 C.F.R. § 1.3.

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As explained in Emmis' November 19, 2004 filing,¹ the station's NTSC antenna is top-mounted on its tower at a height above average terrain ("HAAT") of 388 meters. To allow the station to provide digital service replicating its NTSC Grade B service, WSAZ was given a DTV allotment specifying an ERP of 444.5 kW and a HAAT of 388 meters. The station's current maximized DTV construction permit specifies 724 kW at a HAAT of 401.6 meters.² Until April, WSAZ was broadcasting digitally with another side-mounted antenna at 363.7 meters on the same tower and at reduced power, pursuant to special temporary authority. A request to modify WSAZ's existing STA to increase its power to full power (724 kW) was granted in May for a period expiring July 1, 2005. *See* FCC File No. BMDSTA-20050429AFH (granted May 23, 2005). A request to extend that STA is being filed concurrently, and a copy of that extension request is attached hereto.

Pursuant the FCC's replication/maximization interference protection deadline, WSAZ understands that the station must by July 1, 2005 be operating with facilities specified in its DTV permit. In order to meet this requirement, however, WSAZ would have to remove its NTSC antenna from the top of its tower and replace it with its DTV antenna.

The "swap" of WSAZ's NTSC and DTV antennas would require the expenditure of significant resources and would serve to disrupt and impair the station's current level of analog service to the public. The station is currently operating with the full facilities specified in its permit, except for being at its current side-mounted height, and intends to operate with such facilities until the end of the transition. At that time, it will replace its top-mounted analog antenna with its digital antenna and thereby provide service to its full "maximized" DTV contour.

A grant of the requested waiver would ensure that the station's interference protection is not limited to the DTV service area achieved on that date while avoiding the need for Emmis to expend substantial resources and sacrifice the

¹ The November 19 filing was submitted pursuant to the public notice regarding special circumstances surrounding FCC Form 381 certifications. *See* Public Notice, *Electronic Mailbox Established for FCC Form 381*, DA 04-3495 (rel. Nov. 4, 2004).

² The 13.6 meter increase in height is due primarily to the much greater size of the Channel 3 analog antenna as compared to the much smaller Channel 23 digital antenna.

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quality of its analog service during the transition. Under these circumstances, Emmis submits that a waiver of the July 1, 2005 replication/maximization interference protection deadline is appropriate.

If there are any questions concerning this matter, please contact the undersigned.

Sincerely,

/S/

Marnie K. Sarver

cc (by email): Shaun Maher

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0386 (July 2002)	FOR FCC USE ONLY
Engineering STA		FOR COMMISSION USE ONLY FILE NO. - 20050617ABG
Read Instructions/FAQ before filling out form		

Section I - General Information

1.	Legal Name of the Applicant EMMIS TELEVISION LICENSE, LLC			
	Mailing Address 3500 W. OLIVE AVENUE SUITE 1450			
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">City BURBANK</td> <td style="width:33%;">State or Country (if foreign address) CA</td> <td style="width:34%;">Zip Code 91505 -</td> </tr> </table>	City BURBANK	State or Country (if foreign address) CA	Zip Code 91505 -
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	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:65%;">Telephone Number (include area code) 8182380209</td> <td style="width:35%;">E-Mail Address (if available) MRICE@EMMIS.COM</td> </tr> </table>	Telephone Number (include area code) 8182380209	E-Mail Address (if available) MRICE@EMMIS.COM	
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	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">FCC Registration No 0004161410</td> <td style="width:33%;">Call Sign WSAZ</td> <td style="width:34%;">Facility ID Number 36912</td> </tr> </table>	FCC Registration No 0004161410	Call Sign WSAZ	Facility ID Number 36912
FCC Registration No 0004161410	Call Sign WSAZ	Facility ID Number 36912		
2.	Contact Representative (if other than licensee/permittee) MARNIE K. SARVER			
	Firm or Company Name WILEY REIN & FIELDING LLP			
	Mailing Address WILEY REIN & FIELDING LLP 1776 K STREET, NW			
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">City WASHINGTON</td> <td style="width:33%;">State or Country (if foreign address) DC</td> <td style="width:34%;">ZIP Code 20006 -</td> </tr> </table>	City WASHINGTON	State or Country (if foreign address) DC	ZIP Code 20006 -
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	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:65%;">Telephone Number (include area code) 2027197000</td> <td style="width:35%;">E-Mail Address (if available) MSARVER@WRF.COM</td> </tr> </table>	Telephone Number (include area code) 2027197000	E-Mail Address (if available) MSARVER@WRF.COM	
Telephone Number (include area code) 2027197000	E-Mail Address (if available) MSARVER@WRF.COM			
3.	Purpose: <input checked="" type="radio"/> Engineering STA <input type="radio"/> Extension of Existing Engineering STA <input type="radio"/> Legal STA <input type="radio"/> Extension of Existing Legal STA			
4.	Service: DT			
5.	Community of License: City: HUNTINGTON State: WV			
6.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial Educational Licensee/Permittee <input type="radio"/> Other			

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

7.1.	Channel: 23
7.2.	Zone: <input checked="" type="radio"/> I <input type="radio"/> II <input type="radio"/> III
7.3.	Antenna Location Coordinates: (NAD 27) Latitude:

Degrees 38 Minutes 30 Seconds 36
 North South

Longitude:
 Degrees 82 Minutes 13 Seconds 10
 West East

7.4. Antenna Structure Registration Number: 1035121
 Not Applicable Notification filed with FAA

7.5. Antenna Location Site 308.2
 Elevation Above Mean meters
 Sea Level:

7.6. Overall Tower Height 327.3
 Above Ground Level: meters

7.7. Height of Radiation 280.9
 Center Above Ground meters
 Level:

7.8. Height of 363.7 meters
 Radiation
 Center Above
 Average
 Terrain:

7.9. Maximum Effective 724
 Radiated Power kW
 (average):

7.10. Antenna Specifications:
 Nondirectional Directional

a. Manufacturer DIE Model TFU-20DSC-R O4

b. Electrical Beam Tilt:
 1 degrees Not Applicable

c. Mechanical Beam Tilt:
 degrees toward azimuth
 degrees True Not Applicable

d. Polarization:
 Horizontal Circular Elliptical

Directional Antenna Relative Field Values:
 Rotation (Degrees): No Rotation

Degrees	Value										
0		10		20		30		40		50	
60		70		80		90		100		110	
120		130		140		150		160		170	
180		190		200		210		220		230	
240		250		260		270		280		290	
300		310		320		330		340		350	

Additional Azimuths									
8.	Please explain in detail the "extraordinary circumstances" which warrant temporary operations at variance from the Commission's Rules. In addition, please specify 1)the specific rules and/or policies from which the applicant seeks temporary relief; 2) how the public interest will be furthered by grant; and 3) the expected duration of the STA and the licensee's plan for restoration of licensed operation. If requesting variance with other than authorized technical facilities, please specify the exact facilities sought							[Exhibit 21]	
9.	Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.							<input checked="" type="radio"/> Yes <input type="radio"/> No	

I certify that I have prepared Engineering Data on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name D. SCOTT TURPIE		Relationship to Applicant (e.g., Consulting Engineer) CONSULTING ENGINEER	
Signature		Date (mm/dd/yyyy) 6/16/2005	
Mailing Address LOHNES AND CULVER 8309 CHERRY LANE			
City LAUREL		State or Country (if foreign address) MD	Zip Code 20707 -
Telephone Number (No dashes or parentheses, include area code) 3017764488		E-Mail Address (if available) SCOTT@LOCUL.COM	

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing J. SCOTT ENRIGHT		Typed or Printed Title of Person Signing VICE PRESIDENT & SECRETARY	
Signature		Date (mm/dd/yyyy) 6/16/2005	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 21
Description: STA CIRCUMSTANCES

SEE ATTACHED.

Attachment 21

Description
Narrative Statement

WSAZ-DT
Huntington, WV
Facility Id. No. 36912

STA CIRCUMSTANCES

The applicant is currently operating pursuant to a reduced facilities STA that expires on July 1, 2005. *See* FCC File No. BMDSTA-20050429AFH. This request seeks special temporary authority to operate with the same facilities as the existing STA for an additional period of six months.

As explained fully in the request for waiver of the FCC's replication/maximization interference protection deadline that is being filed concurrently, WSAZ is unable to construct its full authorized DTV facilities by the July 1, 2005 deadline. The public interest will be served by a grant of the instant STA request, which will allow the station to continue to provide uninterrupted DTV service to the public throughout the remainder of the transition without degrading the station's existing level of analog service.

Accordingly, on behalf of Emmis, we hereby respectfully request extension of the STA for an additional six months.