

FREEDOM BROADCASTING OF NEW YORK LICENSEE, L.L.C.
1400 Balltown Road
Schenectady, NY 12309

June 29, 2005

BY MESSENGER

Federal Communications Commission
Media Bureau
PO BOX 358165
Pittsburgh, PA 15251-5165

*Attn: Nai Tam
Video Division
Media Bureau*

Re: Station WRGB-DT (Facility ID #73942), Schenectady, NY
Request for Extension of Special Temporary Authorization
for Digital Television Operations (Request for Waiver, to
Extent Necessary, of Interference Protection Deadline for Digital
Facilities, Pursuant to Report and Order in MD Docket 03-15)

Ladies and Gentlemen:

Freedom Broadcasting of New York Licensee, L.L.C. ("Freedom"), licensee of station WRGB(TV), Schenectady, NY and permittee of station WRGB-DT, Schenectady, NY, hereby requests a 180-day extension of its Special Temporary Authorization ("STA") to operate the facilities of digital television station WRGB-DT.

Freedom holds a construction permit to build maximized facilities for WRGB-DT at 746 kw (BPCDT-19991029ADH). WRGB-DT is currently operating with digital facilities at 600 kw pursuant to special temporary authorization, as modified (BMDSTA-20050415ADJ). Those STA facilities provide service to at least 100 percent of the number of viewers served by the 1997 facility upon which WRGB's replication coverage was based. Because WRGB, a top four network affiliate in a top 100 television market, has elected to return to its NTSC channel following the end of the digital transition, it therefore has met its "use-it-or-lose-it" deadline of July 1, 2005 by virtue of its current STA operations. See Second DTV Periodic Review Report and Order, released September 7, 2004 (19 FCC Rcd 18,279) at ¶ 78. WRGB-DT now seeks to extend its STA to continue to provide digital service during the transition period, until it can build full digital facilities on its current NTSC channel for post-transition operation.

Freedom was advised by the Commission's staff that by operating facilities which meet the 100 percent replication threshold described above pursuant to the STA, WRGB-DT would be deemed to have met the replication/maximization interference protection deadline of

July 1, 2005. The staff further advised that Freedom should continue to extend the STA until it completes construction of its authorized, maximized post-transition facilities on its NTSC channel. Freedom has relied on that staff advice and proceeded accordingly. However, we note that the Commission's recent Public Notice (DTV Channel Election Issues; DA 05-1636, released June 15, 2005) provides that "unless a station has been granted a waiver of the July 1, 2005 interference protection deadline by the Commission, a station subject to that deadline must either have a license for its operating facilities by July 1, 2005, or by that date file with the Commission a license application or an application for modification to be followed shortly by a license application." (Public Notice at p. 2) The Public Notice does not address WRGB-DT's situation, where a station has met its interference protection deadline by virtue of operations pursuant to an STA.

While Freedom believes that it has acted correctly in following the staff's advice and requesting extension of its STA rather than modification of WRGB-DT's construction permit, out of an abundance of caution, Freedom hereby respectfully requests a six-month waiver of the July 1, 2005 interference protection deadline to the extent necessary in the event that the Commission determines that WRGB-DT should have filed an application to modify its construction permit by July 1, 2005. * In such event, a waiver would provide Freedom with sufficient time to take any required steps to preserve the interference protection that will enable WRGB-DT to ultimately build maximized facilities and thereby provide expanded digital service in the Schenectady, NY area.

Freedom certifies that (i) the requested DTV facilities are in compliance with the FCC's rules, including the community of license coverage requirement and the FCC's policy on RF radiation and (ii) the predicted signal coverage of the requested facility does not exceed the predicted signal contour of the granted DTV construction permit for WRGB-DT (BPCDT-19991029ADH). Thus, grant of the requested extension of STA is consistent with FCC rules.

Grant of the requested extension of STA is in the public interest, convenience and necessity because it will permit WRGB to continue to provide DTV service to the Schenectady, NY area.

Freedom hereby certifies that neither it, nor any of its members, officers or directors are subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

Enclosed is a check payable to the Federal Communications Commission in the amount of \$150.00 to cover the requisite filing fee, and an FCC Remittance Advice Form 159.

For all of the foregoing reasons, Freedom respectfully requests that the Commission grant the extension of STA described above.

* Such waiver request is made pursuant to paragraph 87 of the Commission's Second DTV Periodic Review Report and Order, released September 7, 2004 (MD Docket 03-15; 19 FCC Rcd 18,279).

If there are any questions about this request, please contact counsel for Freedom, David D. Burns of Latham & Watkins, at (202) 637-2251.

[REMAINDER OF PAGE INTENTIONALLY BLAKE]

Very truly yours,



Freedom Broadcasting of New York Licensee, L.L.C.

BY: Doreen D. Wade

President of its Sole Member

Attachment

cc: Robert Furlong
Fred Lass
David D. Burns

Shaun Maher
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