

June 30, 2005

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *MB Docket No. 03-15*
Huntsville Television Acquisition Corp. (FRN 0001-7370-06)
Station WZDX-DT, Huntsville, Alabama (Facility ID No. 28119)
Request for Waiver of July 1, 2005 Maximization Deadline

Dear Ms. Dortch:

This letter is submitted on behalf of Huntsville Television Acquisition Corp. (“HTAC”), licensee of WZDX, Channel 54, and permittee of WZDX-DT, Channel 41, in Huntsville, Alabama, pursuant to the procedures established in the Commission’s June 15, 2005, *Public Notice*, DA 05-1636. By this letter, HTAC requests a waiver (in the form of a temporary extension of time) for WZDX-DT from compliance with the July 1, 2005 “use-it-or-lose-it” maximization deadline (“Maximization Deadline”) established in the Commission’s September 7, 2004 *Report and Order* in MB Docket No. 03-15.¹ HTAC requests a waiver of the use-it-or-lose-it deadline for six months (consistent with the duration of a waiver set forth in the *Report and Order* (para. 87) and the *Public Notice* (pages 1-2)), even though HTAC currently expects to complete the necessary deployment to become fully compliant within fewer than 90 days.

DISCUSSION

WZDX-DT was assigned channel 41 in the Table of Allotments established by the Commission in Section 73.622(b) of its rules, 47 C.F.R. § 73.622(b) (2004). Pursuant to a construction permit to maximize its digital facilities, granted September 6, 2002, HTAC was authorized to operate WZDX-DT on Channel 41 with a maximum effective radiated power (“ERP”) of 400 kw at an antenna height above average terrain (“HAAT”) of 518 meters.² Pursuant to a grant of special temporary authority (“STA”) subsequently renewed several times,

¹ *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, FCC 04-192, 19 FCC Rcd 18279 (2004) (“Report and Order”).

² See CDBS File No. BMPCDT-20020708AAU.

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the Commission authorized WZDX-DT to operate at reduced power. The initial STA was granted May 3, 2002.³ The most recent STA grant was issued, March 30, 2005, with an expiration date of July 1, 2005, which coincides with the Maximization Deadline.⁴ By public notice issued June 23, 2005, the Media Bureau announced that WZDX-DT tentatively was granted Channel 41 as its permanent digital channel.⁵

HTAC requests a waiver of the July 1, 2005 deadline by which station licensees affiliated with a top-four network that requested their current digital channel in the digital channel election process must construct full, authorized facilities in order to retain interference protection within their maximization service areas.⁶ HTAC has been working diligently to construct full, authorized maximized digital television facilities; but, due to circumstances beyond HTAC's control (that is, an unforeseen delay of the delivery of necessary DTV equipment), it is necessary that HTAC request a limited extension of the Maximization Deadline.

Specifically, HTAC's equipment vendor has recently informed HTAC and confirmed by letter (appended as Attachment 2) that the delivery schedule for a required solid state transmitter for WZDX-DT has been unavoidably delayed. As the vendor's letter explains, HTAC placed an order for the equipment on February 28, 2005, which under normal circumstances would have provided the vendor sufficient lead time to deliver and complete the on-site installation services in advance of the July 1, 2005 FCC deadline.⁷ The vendor explains, however, that due to various issues affecting it, including the availability of components, the spike in demand for transmitters needed to comply with the FCC's deadline, and *force majeure* events related to what the vendor describes as "internal labor disputes experienced with key vendors," the transmitter HTAC ordered in February 2005 for WZDX-DT will not be able to be shipped prior to the week of August 22, 2005. As Attachment 2 indicates, the vendor confirms that the delay was not attributable to HTAC, as HTAC had ordered the equipment sufficiently in advance of the deadline. Specifically, the vendor writes:

³ See CDBS File No. BDSTA-20020416ABK.

⁴ See CDBS File No. BEDSTA-20050322AJL.

⁵ *Public Notice: DTV Tentative Channel Designations for 1,554 Stations Participating in the First Round of DTV Channel Elections*, DA 05-1743, Attachment 1 (June 23, 2005).

⁶ By separate filing (appended as Attachment 1), HTAC submitted a request to renew for an additional six months the STA that HTAC currently holds to operate WZDX-DT at reduced power.

⁷ A copy of the WZDX-DT purchase order is appended as Attachment 3, with proprietary price information redacted.

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WZDX-DT placed the order within a time frame to have, under normal circumstances, reasonably expected the equipment delivered and services completed in advance of the deadline.

HTAC requests the full six month waiver period beyond July 1, 2005, contemplated by both the *Report and Order* and the *Public Notice* out of an abundance of caution. The vendor states in Attachment 2 that it “anticipate[s]” that the ordered equipment will be available for shipment the week of August 22, 2005. In light of the uncertainty of an exact date from the vendor that will allow HTAC to complete deployment of the transmitter, HTAC considers it prudent to seek the standard six-month waiver period, even though HTAC hopes that it will need fewer than 90 days beyond July 1, 2005.

The grant of a brief, one-time extension of time will allow WZDX-DT to maintain its service protection. In light of the anticipated brevity of the delay, the actions that HTAC already has taken, and the importance of stations maximizing their digital over-the-air coverage, HTAC submits that the public interest will be served by grant of the requested waiver.

Please contact HTAC’s undersigned attorneys if you have any questions.

Sincerely,

_____/s/
Kenneth E. Satten
Timothy J. Cooney

cc: Rick Chessen
Shaun Maher

WILKINSON) BARKER) KNAUER) LLP

STAMP AND RETURN

2300 N STREET, NW
SUITE 700
WASHINGTON, DC 20037
TEL 202.783.4141
FAX 202.783.5851
www.wbklaw.com

June 29, 2005

BY HAND DELIVERY

Federal Communications Commission
Media Bureau
P.O. Box 358165
Pittsburgh, PA 15251-5165

FCC/MELLON

JUN 29 2005

Re: Huntsville Television Acquisition Corp. (FRN 0001-7370-06)
Station WZDX-DT, Huntsville, Alabama (Facility ID No. 28119)
Request to Renew STA to Operate DTV Facilities at Low Power

Dear Sir/Madam:

On behalf of Huntsville Television Acquisition Corp. ("Huntsville") licensee of Station WZDX-DT, Huntsville, Alabama, we hereby request a renewal of Special Temporary Authority ("STA"), pursuant to Section 73.1635 of the Commission's rules, to continue to operate the WZDX-DT facilities at a lower ERP than authorized in its existing construction permit (FCC File No. BMPCDT-20020708AAU). The initial request for the STA was granted September 30, 2002 (FCC File No. BMDSTA-20040915ACB). The most recent STA grant was issued March 30, 2005 (FCC File No. BEDSTA-20050322AJL), with an expiration date of July 1, 2005, which coincides with the July 1, 2005, deadline by which station licensees affiliated with a top-four network that requested their current digital channel in the digital election process must construct full, authorized facilities in order to retain interference protection within their maximization service areas ("Maximization Deadline").

Specifically, Huntsville requests authority to continue to operate its DTV facility in exact accordance with the low power facilities currently authorized under FCC File No. BEDSTA-20050322AJL, utilizing a Dielectric TUD-S5B-14/70H-1-T directional antenna, oriented at 270 degrees from true north, at an HAAT of 517.9 meters, with 0.75 degrees of electrical beamtilt, and with a reduced ERP of 200 kW. The predicted service area of the DTV operation does not exceed that authorized in the existing DTV construction permit for this station. The facilities comply with FAA and FCC tower requirements, the community of license coverage requirement, and the FCC's environmental rules governing radio frequency radiation.

The instant request is being filed so that Huntsville can continue its DTV operations at a lower power during the time the Commission considers Huntsville's request for waiver of the

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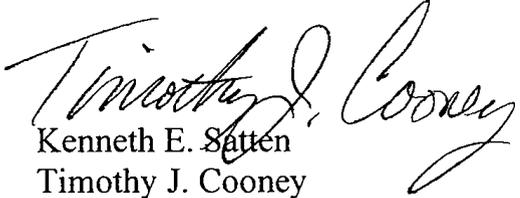
July 1, 2005, Maximization Deadline, which Huntsville expects to file in MB Docket No. 03-15 on or before July 1, 2005. Huntsville submits that renewal of this STA will further the public interest and is consistent with the Commission's June 15, 2005, *Public Notice*, DA 05-1636, in which the Commission set forth procedures for requesting a waiver of the July 1, 2005, Maximization Deadline and for automatic extension of associated STA requests, pending action on the waiver request.

Enclosed is a check made payable to the Federal Communications Commission in the amount of \$150.00 to cover the requisite filing fee to process this request, along with a Form 159 (FCC Remittance Advice). Also enclosed is a Certification pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998, 21 U.S.C. § 862, signed by an officer of the licensee of WZDX-DT.

It is respectfully requested that you stamp the receive date on the enclosed copy marked "Stamp and Return" and return it to us for our files. Any questions regarding this matter should be directed to the undersigned.

Sincerely,

WILKINSON BARKER KNAUER, LLP

By: 
Kenneth E. Satten
Timothy J. Cooney

Enclosures

cc: Vernese O'Bryant, Video Division, Office of Broadcast License Policy, Media Bureau
(via e-mail w/enclosures)

Station WZDX-DT, Huntsville, Alabama (Facility ID No. 28119)
Request to Renew Special Temporary Authority
for Low Power DTV Operations

Certification Pursuant to Anti-Drug Abuse Act of 1988

This is to certify that neither the applicant nor any party to the application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

6/24/05

Date



Mark P. Ryan
Assistant Secretary
Huntsville Television Acquisition Corp.

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

Approved by OMB
3060-0589
Page 1 of 1

(1) LOCKBOX # 358165		SPECIAL USE ONLY	
		FCC USE ONLY	
SECTION A - PAYER INFORMATION			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) Wilkinson Barker Knauer, LLP		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$150.00	
(4) STREET ADDRESS LINE NO. 1 2300 N Street, NW			
(5) STREET ADDRESS LINE NO. 2 Suite 700			
(6) CITY Washington		(7) STATE DC	(8) ZIP CODE 20037
(9) DAYTIME TELEPHONE NUMBER (include area code) (202) 783-4141		(10) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(11) PAYER (FRN) 0003775731		(12) FCC USE ONLY	
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(13) APPLICANT NAME Huntsville Television Acquisition Corp.			
(14) STREET ADDRESS LINE NO. 1 915 Middle River Drive			
(15) STREET ADDRESS LINE NO. 2 Suite 409			
(16) CITY Fort Lauderdale		(17) STATE FL	(18) ZIP CODE 33304
(19) DAYTIME TELEPHONE NUMBER (include area code) (954) 568-2000		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(21) APPLICANT (FRN) 0001737006		(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID WZDX-DT	(24A) PAYMENT TYPE CODE MGT	(25A) QUANTITY 1	
(26A) FEE DUE FOR (PTC) \$150.00	(27A) TOTAL FEE \$150.00	FCC USE ONLY	
(28A) FCC CODE 1 Facility Id No. 28119		(29A) FCC CODE 2	
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY	
(28B) FCC CODE 1		(29B) FCC CODE 2	
SECTION D - CERTIFICATION			
CERTIFICATION STATEMENT I, _____, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief			
SIGNATURE _____		DATE _____	
SECTION E - CREDIT CARD PAYMENT INFORMATION			
MASTERCARD _____ VISA _____ AMEX _____ DISCOVER _____			
ACCOUNT NUMBER _____		EXPIRATION DATE _____	
I hereby authorize the FCC to charge my credit card for the service(s)/authorization herein described.			
SIGNATURE _____		DATE _____	

THALES

BROADCAST & MULTIMEDIA

THALES BROADCAST & MULTIMEDIA Inc.

104 Feeding Hills Road
Southwick, MA 01077-8350 - USA
Tel. : (413) 998-1100
Fax : (413) 569-0679

June 21, 2005

Mr. Harry Wilkins
Director of Engineering
WZDX Television
1309 N. Memorial Parkway
Huntsville, AL, 35801

Via: Federal Express

*Re: Manufacture and Delivery of DTV Transmission Equipment for HUNTSVILLE TELEVISION ACQUISITION
CORP Station WZDX-TV, Huntsville, Alabama.*

Dear Mr. Wilkins:

As discussed on the telephone recently, the delivery schedule for the Thales TDU2 6K AV solid state transmitter for WZDX-TV ordered under Thales Proposal 4377TAU12KAV-022505-R3 will be longer than you originally anticipated. We anticipate the transmitter being available for shipment from our facility in Southwick, MA during the week of August 22nd, 2005 with Delivery to site to occur shortly thereafter. We will continue to attempt to expedite the completion of the transmitter and will advise you of any progress.

The order for the equipment was placed with Thales on February 28th, 2005 which, under normal industry circumstances, would have provided sufficient lead time for us to Deliver and complete the on-site services in advance of the July 1st, 2005 FCC deadline. However, due to various issues regarding the availability of components, the higher volume of transmitters required due to the FCC deadline and *force majeure* events specifically regarding internal labor disputes experienced with key vendors, the completion date of the transmitter will be later than is typical.

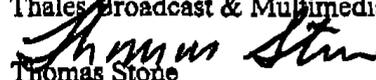
We anticipate that we will be able to complete the on-site services, including the FCC proof-of-performance testing on the transmitter within one to two weeks after arrival of the equipment on site.

These conditions are obviously outside of the control of WZDX-TV. WZDX-TV placed the order within a time frame to have, under normal circumstances, reasonably expected the equipment Delivered and services completed in advance of the deadline.

We understand that it will necessitate WZDX-TV to request of an extension of the on-air deadline from the FCC. If we can be of further assistance or provide any additional information that may help in obtaining the FCC extension, please let me know.

Sincerely,

Thales Broadcast & Multimedia, Inc.


Thomas Stone
Program Manager

THALES

GRANT BROADCASTING

Pricing Proposal

BROADCAST & MULTIMEDIA
104 Feeding Hills Road
Southwick, MA 01077
Tel (413) 998-1100
Fax (413) 998-1178



If this proposal is acceptable, please sign below and fax a copy to Thales Broadcast & Multimedia (413) 998-1178.

"This Proposal and all sales hereunder shall be subject to the Terms and Conditions of Sale for Thales Broadcast & Multimedia, Inc. including the Installation and Performance Testing Rider, attached hereto."

1. Please provide exact ship-to (not billing) address:

Street Chief Engr Harry Wilkens
City _____ County _____
State _____ Zip Code _____

2. Please provide exact billing address:

Street P.O. Box 3889
City HUNTSVILLE County _____
State AL Zip Code 35810

3. a) Are you tax-exempt? No Yes

b) If yes, please attach copy of your tax exemption certificate.

"This proposal is accepted by Grant (insert complete legal customer name) this 28th day of FEB, 2005

CUSTOMER'S COMPANY NAME:

By: Mark P. Ryan

Title: CEO

Please Note: Any PO provided must state: ✓

This order is issued pursuant to THALES Proposal number #4377TDU12KAV-022505-R3 and be governed by the terms contained within.

February 28, 2005

Note: Sellers price does not include any taxes whatsoever as detailed in Thales' Terms and Conditions of Quotation or Sale. Any applicable sales taxes to be paid by buyer to appropriate authorities.

Prices quoted herein shall be valid for a period not to exceed sixty (60) days from date of receipt, unless either accepted by Buyer or extended in writing by Seller. Thales reserves the right to change list price herein at its discretion.

