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July 1, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Station WCPO-DT, Cincinnati, Ohio, Facility ID No. 59438
MB Docket No. 03-15

Dear Ms. Dortch:

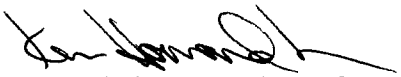
Scripps Howard Broadcasting Company, licensee of the above-referenced station, through counsel, hereby requests waiver of the July 1, 2005 replication/maximization interference protection deadline set out in the *Second Periodic Review Report and Order*, 19 FCC Rcd 18,279 (September 7, 2004). By Public Notice dated June 15, 2005 (DA 05-1636), the Commission confirmed that those stations whose DTV facilities come close to meeting the applicable replication or maximization requirements, but that cannot reasonably reach 100% replication or maximization prior to the cessation of analog broadcasting, may seek waiver of this deadline.

Attached is an engineering exhibit prepared under the direction of John F.X. Browne, P.E. that demonstrates how Station WCPO-DT meets the criteria for waiver of the deadline set out in that Public Notice. The exhibit explains (1) that the station now serves 98.4% of the population within its certified "replication" contour; (2) that full compliance prior to the cessation of analog service would harm Station WCPO-TV's analog viewers and impose excessive costs on the station; (3) that the station can and will modify its operation to fully comply with its replication certification after analog operation terminates; and finally (4) that the station's early initiation of full-power DTV service demonstrates its good faith commitment to offering viewers full DTV service at the earliest practicable time.

For the reasons set out in this exhibit, Scripps urges that grant of the requested waiver would serve the public interest.

Please feel free to contact the undersigned if you have any questions or require any further information.

Respectfully submitted,



Kenneth C. Howard, Jr., Counsel to Scripps
Howard Broadcasting Company

Enclosure
cc: Station WCPO-TV Public File
Shaun Maher, Media Bureau, Room 2-A820 (Via Hand Delivery)

REQUEST FOR WAIVER

SCRIPPS HOWARD BROADCASTING

WCPO-DT

CINCINNATI, OH

JUNE 30, 2005

Scripps Howard (Scripps) is the licensee of WCPO-DT which operates on Channel 10 at Cincinnati, OH and has certified to its "replication" facility. The WCPO-DT licensed facility (File #BLCDT20041230ACA) is presently authorized to operate with an ERP of 16.3 kW at an HAAT of 272m. The WCPO allotment ("replication" facility which has been certified-to by WCPO) specifies an ERP of 15.4 kW at an HAAT of 305m. Presently, the WCPO licensed analog antenna is located on the top of the tower at an HAAT of 305m and WCPO cannot move its DTV antenna to the height necessary to achieve the certified DTV HAAT until its analog antenna is removed.

Should Scripps attempt to move the digital antenna to the height necessary to achieve the certified coverage, the WCPO analog antenna would have to be removed from the top of the tower and then repositioned on the side of the tower below the present location of the digital antenna. The radiation center of the WCPO analog antenna would be lowered from 514m AMSL to 441m AMSL. Scripps cannot increase the ERP of its analog facility to account for the lower RCAMSL of a side-mounted analog facility since it already has the maximum allowable ERP of 316 kW.

The side-mounting of the analog antenna would cause "scattering" of the antenna pattern due to the effects of structural members and appurtenances on the tower; however, assuming, arguendo, that the antenna pattern would remain omni-directional, the lower

RCAMSL would result in a loss of service to 106,290 persons of the population served inside the 56 dBu Grade B contour (any "scattering" of the antenna pattern would cause further loss in service). The effects of "scattering" on the WCPO coverage area cannot be determined without extensive antenna modeling studies. Given the July 1, 2005 deadline for filing the waiver request for the "use-it-or-lose-it" requirements, these modeling studies could not be completed in the available time frame for this filing.

In order to move the WCPO analog antenna to the lower side-mounted position on the tower, WCPO would have to go "off-air" during construction as it has no standby antenna. The tower cannot structurally support a third antenna, so the option of an analog standby antenna is not available to Scripps. Thus, the implementation of full DTV facilities prior to the time analog transmissions cease would impose severe reductions in analog service. Since there is no practical or acceptable structural solution to raise the digital antenna on the existing tower and maintain analog service during construction, the only option available to Scripps would be to replace the existing tower at a cost estimated at $3,000,000.

WCPO-DT has been operating at high power since December 1998 when it went on-air with 13.7 kW with an omni-directional antenna at the highest elevation that the antenna could be side-mounted on the tower. In December, 2004, Scripps increased the ERP to 16.3 kW which is the maximum allowable "checklist" [1/] power (i.e., the maximum power that can be used with an omni-directional antenna without exceeding the allotment parameters to which it certified) and serves 98.4% of the population inside the noise-limited contour [2/]. Given the fact that Scripps can only achieve the certified coverage after it removes its analog antenna and places its DTV antenna at the top of the tower, and that it has been operating at very high power levels for 7 years, Scripps submits that it has made a "good faith effort" to provide the maximum possible DTV service to the Cincinnati DMA; Scripps will complete its build-out to the certified facility parameters at the end of the DTV transition period when its DTV

[1/] The checklist power is limited by the practicalities of the antenna field pattern (omni-directional) and the "envelope" pattern assigned to its FCC allotment.

[2/] The percentage is based on the predicted Longley Rice population inside the noise-limited contour for the WCPO licensed facility vs. the predicted Longley Rice population of the FCC allotment facility.

antenna can occupy the space now occupied by its analog antenna. Therefore, given the above information, Scripps requests a waiver of the July 1, 2005 "use-it-or-lose-it" deadline for construction of "full" certified facilities for WCPO-DT.

Certification

I hereby certify that the foregoing report or statement was prepared by me but may include work performed by others under my supervision or direction. The statements of fact contained therein are believed to be true and correct based on personal knowledge, information and belief unless otherwise stated; with respect to facts not known of my own personal knowledge, I believe them to be true and correct based on their origin from sources known to me to be generally reliable and accurate. I have prepared this document with due care and in accordance with applicable standards of professional practice.

John F.X. Browne, P.E.