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**BAKER**  
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**HOSTETLER** LLP  
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WASHINGTON SQUARE, SUITE 1100 • 1050 CONNECTICUT AVENUE, N.W. • WASHINGTON, D.C. 20036-5304 • (202) 861-1500  
FAX (202) 861-1783

KENNETH C. HOWARD, JR.  
WRITER'S DIRECT DIAL NUMBER (202) 861-1580  
E-MAIL: KHOWARD@BAKERLAW.COM

July 1, 2005

**VIA ELECTRONIC FILING**

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

Re: Station WFTS-DT, Tampa, Florida, Facility ID No. 64588  
MB Docket No. 03-15

Dear Ms. Dortch:

Tampa Bay Television, Inc. ("Tampa Bay"), 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 WFTS-DT meets the criteria for waiver of the deadline set out in that Public Notice. The exhibit explains (1) that the station now serves 99% of the population to be served by its certified facilities; (2) that full compliance prior to the cessation of analog service would harm Station WFTS-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 maximization 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, Tampa Bay urges that grant of the requested waiver would serve the public interest.

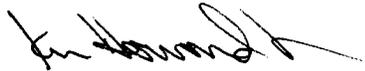
Marlene H. Dortch

July 1, 2005

Page 2

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 Tampa Bay  
Television, Inc.

Enclosure

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



**REQUEST FOR WAIVER**  
**SCRIPPS HOWARD BROADCASTING**  
**WFTS-DT**  
**TAMPA, FL**  
**JUNE 30, 2005**

Tampa Bay Television, Inc., a wholly-owned subsidiary of Scripps Howard Broadcasting Company (Scripps), is the licensee of WFTS-DT which operates on Channel 29 at Tampa, FL and has certified to the coverage achieved by its "maximized" construction permit (File #BLCTD20040330ABZ) which was filed before the DTV transition rules were established. WFTS was allotted 101 kW at an HAAT of 471m but applied-for and constructed maximized facilities with an ERP of 500 kW at an HAAT of 476m<sup>1/</sup>. WFTS-DT has operated with these 500 kW licensed facilities (File #BLCDT20020319AAG) since March, 2002. The WFTS construction permit for further maximized facilities specifies an ERP of 987 kW at an HAAT of 475m. These facilities cannot be implemented until the end of the transition for the reasons discussed below.

WFTS is collocated on a multi-user tower with WFLA-TV. Presently, the WFTS-DT transmission line is fed through the center of the WFLA-DT (Channel 7) antenna. The maximum size of the transmission line is mechanically limited by the size of the WFLA antenna and the WFLA-DT antenna cannot accommodate a larger size transmission line for WFTS; WFTS cannot increase its ERP to the authorized 987 kW without increasing the size of its transmission line.

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<sup>1/</sup> The maximum power is limited by the size of the transmission line feeding the antenna.



Before the institution of the present “freeze”, WFLA had planned to modify its analog and digital facilities so that WFTS could increase its transmission line size (WFLA reportedly had planned to elect its analog Channel 8 for DTV). However, after the rules were established for the DTV transition (six months after WFTS-DT applied for its construction permit for further maximized facilities), WFLA decided to elect its allotted Channel 7 for DTV and continue using its present digital antenna beyond the end of the transition. The WFTS analog antenna occupies the only space available on the tower where the transmission line would not be limited by the characteristics of the WFLA digital antenna. However, the tower cannot structurally handle a side-mounted analog antenna and, therefore, WFTS cannot move its digital antenna to the location until the end of the DTV transition. Scripps present facility (omni-directional 500 kW ERP) serves 99.0% of the population that would receive service from the certified facility coverage area. At the end of the DTV transition, the WFTS analog antenna will be removed and the antenna arrangement on the tower will be modified. At that time, Scripps will be able to relocate its digital antenna and increase its transmission line size without affecting the operation of WFLA. Thus, the implementation of full DTV facilities cannot be accomplished until analog transmissions cease. Since there is no practical or acceptable structural solution for increasing the transmission line size feeding the WFTS digital antenna, the only option available to Scripps would be to replace the existing tower at a cost estimated to be approximately \$5,000,000.

WFTS-DT has been operating at high power since October, 1999, when it went on-air with 100 kW with an omni-directional antenna at the highest elevation that the antenna could be mounted on the tower. In March, 2002, long before any “use-it-or-lose-it” requirements were imposed Scripps constructed maximized facilities for WFTS-DT by increasing the ERP to 500 kW which was constructed. Given the fact that WFTS has been operating at very high power levels for 6 years, Scripps submits that it has made a “good faith effort” to provide maximum DTV service to the Tampa DMA; Scripps will complete its build-out to the certified facility parameters at the end of the DTV transition period when the transmission line and DTV antenna will no longer be limited by the WFLA digital 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 WFTS-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.

A handwritten signature in cursive script, reading "John F.X. Browne". The signature is written in black ink and is positioned above a horizontal line.

John F.X. Browne, P.E.