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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 WEWS-DT, Cleveland, Ohio, Facility ID No. 59441
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.

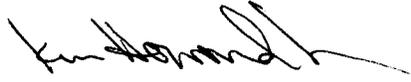
Attached is an engineering exhibit prepared under the direction of John F.X. Browne, P.E. that demonstrates how Station WEWS-DT meets the criteria for waiver of the deadline set out in that Public Notice. The exhibit explains (1) that the station now serves 97.5% of the population within its certified "replication" contour; (2) that full compliance prior to the cessation of analog service would harm Station WEWS-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.

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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 WEWS-TV Public File
Shaun Maher, Media Bureau, Room 2-A820 (Via Hand Delivery)



REQUEST FOR WAIVER
SCRIPPS HOWARD BROADCASTING
WEWS-DT
CLEVELAND, OH
JUNE 30, 2005

Scripps Howard (Scripps) is the licensee of WEWS-DT which operates on Channel 15 at Cleveland, OH and has certified to its "replication" facility. The WEWS-DT licensed facility (File #BLCDT20020304ACC) is presently authorized to operate with an ERP of 870 kW at an HAAT of 285m. The WEWS allotment (replication facility which has been certified-to by WEWS) specifies an ERP of 1000 kW at an HAAT of 311m. Presently, the WEWS licensed digital antenna is located at the top of the tower at an HAAT of 313m but in a stack below the analog antenna.

When the WEWS digital antenna was originally positioned on the tower, a section at the top of the existing tower was removed in order to maintain the overall height of the structure. Also, the tower had to be reinforced in order to support both the analog and digital antennas and transmission lines. Should Scripps attempt to move the digital antenna to the certified height, the WEWS analog antenna would have to be removed and the tower height would need to be increased back to its original height. However, the tower cannot structurally support a side-mounted analog antenna and the transmission line in combination with the additional tower sections needed to increase the height of the digital antenna to the certified height. Therefore, WEWS cannot move its DTV antenna to the height necessary to achieve the certified HAAT until its analog antenna is permanently removed from the top of the tower.



Assuming, arguendo, that it was possible to side-mount the WEWS analog antenna, WEWS would have to use its standby antenna, which is located on a smaller nearby tower at a much lower height, during construction. The lower height would result in a 10.3% (451,426 persons) loss in population served inside the 47 dBu Grade B contour while the auxiliary antenna is in use. Thus, the implementation of full DTV facilities cannot be accomplished until analog transmissions cease. Since there is no practical or acceptable structural solution to raise the digital antenna on the existing tower to maintain analog service during the transition period (except when using the less than adequate auxiliary facility), the only option available to Scripps would be to replace the existing tower at a cost estimated at \$3,000,000.

WEWS-DT has been operating at high power since September, 1999, when it went on-air with 457 kW with an omni-directional antenna at the highest elevation that the antenna could be placed on the tower ^{1/}. In March, 2002, long before any "use-it-or-lose-it" requirements were imposed, Scripps increased the ERP to 870 kW which is essentially the maximum allowable "checklist" ^{2/} power (i.e., the maximum power that can be used with an omni-directional antenna without exceeding the allotment parameters to which it certified) which serves 97.5% of the population inside the noise-limited contour ^{3/}. Given the fact that Scripps can only achieve the certified coverage after it replaces its analog antenna with its DTV antenna at the top of the tower, and that it has been operating at very high power levels for 6 years, Scripps submits that it has made a "good faith effort" to provide the maximum possible DTV service to the Cleveland DMA; Scripps will complete its build-out to the certified facility parameters at the end of the DTV transition period when its DTV 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 WEWS-DT.

^{1/} Scripps commissioned extensive (and expensive) structural modifications to the top of its tower to permit the DTV antenna to be placed directly below its analog antenna on top of the tower.

^{2/} The checklist power is limited by the practicalities of the antenna field pattern (omni-directional) and the "envelope" pattern assigned to its FCC allotment.

^{3/} The percentage is based on the predicted Longley Rice population inside the noise-limited contour for the WEWS licensed facility vs. the predicted Longley Rice population of the FCC allotment facility.

**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 black ink, appearing to read 'John F.X. Browne', written in a cursive style.

John F.X. Browne, P.E.