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November 30, 2005

Via ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
Washington, D.C. 20554

**Re: MB Docket No. 05-317
Journal Broadcast Corporation
WGBA-DT, Green Bay, Wisconsin, Facility ID No. 2708
Television Station Section 339(a)(2)(D)(viii) Waiver
Request**

Dear Ms. Dortch:

Journal Broadcast Corporation ("JBC") licensee of NTSC television station WGBA(TV), Channel 26, and permittee of DTV television station WGBA-DT, Channel 41, both Green Bay, Wisconsin (collectively, "WGBA" or the "Station"), by its attorneys, hereby requests a waiver of satellite subscriber digital signal testing pursuant to Section 339(a)(2)(D)(viii)(IV) of the Communications Act of 1934, as amended by the Satellite Home Viewer Extension and Reauthorization Act of 2004 ("SHVERA"). This waiver request follows the procedures established in *Public Notice*, "TV Station Requests for Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004 to be Filed by November 30, 2005 or February 15, 2007," DA 05-2979 (released Nov. 17, 2005).

It is JBC's understanding that, pursuant to the SHVERA, a satellite subscriber whose household is predicted to be served by the analog signal of a local network-affiliated station may be eligible in certain circumstances to request a signal test in order to determine if the over-the-air digital signal of that station exceeds the digital signal intensity standard specified in Section 73.683(a) of the Commission's rules; and, if it does not, to receive the imported digital signal of a distant same-network affiliate. Subscribers may request such a test commencing April 30, 2006, if (i) a local network station is within the top 100 television markets and (ii) the station has received a tentative channel designation on its allotted digital channel. The Green Bay-Appleton DMA, in which WGBA is located, is

HOGAN & HARTSON L.L.P.

The Secretary

November 30, 2005

Page 3

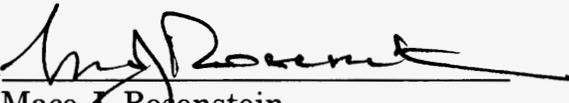
simultaneously transmitting the channel 26 analog and channel 41 digital signals or by relocating the WGBA(TV) antenna from the top of the tower to a side-mount position, WGBA(TV)'s current level of analog service would be reduced.

JBC has undertaken good-faith efforts to preserve the level of service delivered to WGBA(TV)'s viewers and fully serve households within WGBA(TV)'s analog Grade B contour with digital service from WGBA-DT at the end of the transition. JBC believes that the public interest would be served by grant of a waiver of the digital signal testing provision in order to prevent local audience erosion and fragmentation that would result from the importation of distant NBC Network digital signals into satellite households predicted to receive service from WGBA-DT's full authorized facilities.

Please direct any questions regarding this submission to the undersigned.

Respectfully submitted,

HOGAN & HARTSON, L.L.P.

By: 
Mace J. Rosenstein
Tarah S. Grant

Attorneys for Journal Broadcast Corporation

cc: Nazifa Sawez, Media Bureau

within the top 100 television markets. WGBA-DT has received a tentative channel designation on its allotted digital channel. *See Public Notice*, "Tentative Digital Channel Designations for Stations Participating in the First Round of DTV Channel Elections and Second Round Election Filing Deadline," DA 05-2649 (rel. Oct. 4, 2005), at Attachment 1, p. 21. ^{1/}

Section 339(a)(2)(D)(viii)(IV) permits a local network station to request that the Commission grant a waiver to prohibit satellite subscribers from conducting digital signal strength tests if the station currently is subject to a substantial decrease in its digital signal coverage area due to the necessity of using a side-mounted antenna. Such a waiver is warranted here.

As JBC explained in FCC File No. BMDSTA-20050630AGX and in its August 15, 2005 letter to the Commission ^{2/}, WGBA-DT currently is operating pursuant to Special Temporary Authority ("STA") with an ERP of 600 kilowatts at 279 meters above average terrain utilizing a directional antenna that is side-mounted on the tower that supports the antenna for the licensed analog operation of WGBA(TV). *See* FCC File No. BMDSTA-20050630AGX. Such facilities provide service to approximately 98 percent of the population predicted to receive service from its full authorized facilities. At the end of the transition, JBC intends to replace WGBA(TV)'s top-mounted analog antenna with WGBA-DT's digital antenna and thereby provide service to its full maximized DTV contour. If WGBA-DT were to relocate its digital antenna to the top-mount position currently occupied by the WGBA(TV) antenna, either by installing a "common" antenna capable of

^{1/} In its Digital Channel Election Form -- First Round Election on FCC Form 382, FCC File No. BFRECT-20050126ADY, JBC elected to conduct WGBA-DT's post-transition digital operations on WGBA(TV)'s current NTSC channel 26. However, by letter dated June 7, 2005, the Commission notified WGBA-DT that its election to operate on channel 26 at the end of the transition was predicted to result in impermissible interference to both a co-channel and an adjacent-channel station in adjoining markets. Therefore, in WGBA-DT's Digital Channel Election Form -- First Round Conflict Decision on Form 383, FCC File No. BFRCT-20050812AOS, JBC amended its election to specify post-transition operation on WGBA-DT's assigned digital channel.

^{2/} Letter, dated August 15, 2005, from undersigned counsel to The Secretary, MB Docket No, 03-15, Re: Request for Clarification and Limited Relief *Nunc Pro Tunc* from the July 1, 2005 Interference Protection Deadline.