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November 30, 2005

RECEIVED

NOV 30 2005

Federal Communications Commission
Office of Secretary

VIA HAND DELIVERY AND ECFS

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

Re: **TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST**
MB Docket No. 05-317
Channel 7 of Detroit, Inc.
WXYZ-DT, Detroit, MI (Facility ID 10267)

Dear Ms. Dortch:

Channel 7 of Detroit, Inc., licensee of broadcast television station WXYZ-DT, Detroit, Michigan, hereby respectfully requests a waiver as contemplated by Section 339(a)(2)(D) of the Satellite Home Viewer Extension and Reauthorization Act of 2004, 47 U.S.C. § 339(a)(2)(D), to prevent digital signal testing intended to establish eligibility to receive distant digital network signals from satellite carriers.

This waiver is sought pursuant to Section 339(a)(2)(D)(vii)(IV), on the ground that "the station experiences a substantial decrease in its digital signal coverage area due to the necessity of using a side-mounted antenna." The attached Engineering Statement prepared by John F.X. Browne & Associates, P.C., provides the necessary supporting documentation.

Accordingly, Channel 7 of Detroit, Inc., respectfully requests that the FCC grant the foregoing request for waiver. If further information is required, please contact the undersigned.

Sincerely,

Kenneth C. Howard, Jr.
Counsel to Channel 7 of Detroit, Inc.

Attachment

No. of Copies rec'd 0+1
List A B C D E

cc: Nazifa Sawez, FCC (Room 2-A726)
WXYZ Public Inspection File

ENGINEERING STATEMENT

IN SUPPORT OF

TELEVISON STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST

MB DOCKET NO. 05-317

SCRIPPS HOWARD BROADCASTING

WXYZ

DETROIT, MI

NOVEMBER 30, 2005

Channel 7 of Detroit, Inc., a wholly-owned subsidiary of Scripps Howard Broadcasting Company (Scripps), is the licensee of WXYZ-DT which operates on Channel 41 at Detroit, MI and has certified to its "replication" facility. The WXYZ-DT licensed facility (File #BLCTD20030325ABI) is presently operating with an ERP of 770 kW at an HAAT of 286m. The WXYZ allotment ("replication" facility which has been certified-to by WXYZ) specifies an ERP of 1000 kW at an HAAT of 305m. Presently, the WXYZ licensed analog antenna is located on the top of the tower at an HAAT of 305m and WXYZ cannot move its DTV antenna to the height necessary to achieve the certified HAAT until its analog antenna is removed.

In June 2005, Scripps filed a request for waiver of the July 1, 2005 "use-it-or-lose-it" deadline for construction of "full" certified facilities for WXYZ-DT. Due to the side-mounted configuration of the WXYZ DTV antenna, WXYZ will experience a substantial decrease of approximately 121 sq. km (0.75%) in its digital signal coverage area within its DMA boundaries. The area that will not be served by the station during the DTV transition is depicted on the attached map.

Therefore, given the above information, Scripps is requesting a waiver for WXYZ of the satellite subscriber digital signal testing requirements of Satellite Home Viewer Extension and Reauthorization Act of 2004.

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.

Attached: Map

Area Not Served by WXYZ During DTV Transition

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Red - WXYZ "Certified" Facility

Black - WXYZ Existing (Transition) Facility

Green - Outline of DMA Counties

White Areas - Areas not served by WXYZ during DTV transition