

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Waiver of Digital Testing Pursuant to the) MB Docket No. 05-317
Satellite Home Viewer Extension and)
Reauthorization Act of 2004)
)
Journal Broadcast Corporation)
WGBA-DT, Green Bay, WI)
Facility ID No. 2708)

To: The Secretary
Attn: Deputy Chief, Media Bureau

**REPLY OF JOURNAL BROADCAST CORPORATION
TO OPPOSITION OF ECHOSTAR SATELLITE L.L.C.**

Journal Broadcast Corporation (“JBC”), licensee of station WGBA(TV), NTSC Channel 26, and permittee of station WGBA-DT, DTV Channel 41, both Green Bay, Wisconsin (collectively, “WGBA” or the “Station”), by its attorneys, hereby replies to the consolidated Opposition (the “Opposition”) filed in the captioned proceeding on December 30, 2005, by EchoStar Satellite L.L.C. (“EchoStar”). EchoStar opposes grant of the requests of 36 television stations, including WGBA, for waiver of 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. 1/

By letter filed November 30, 2005 (the “Waiver Request”), and pursuant to *Public Notice*, “TV Station Requests for Waiver of Digital Testing Pursuant to the Satellite Home Viewer

1/ JBC did not timely receive service of the Opposition as filed by EchoStar on December 30, 2005. Accordingly, JBC’s Reply is timely filed pursuant to *Public Notice*, “Extension of Time to File Responses to Opposition to TV Station Requests for Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004,” DA 06-579 (released March 17, 2006).

Extension and Reauthorization Act of 2004 to be Filed by November 30, 2005 or February 15, 2007,” DA 05-2979 (released Nov. 17, 2005), JBC is seeking a waiver of satellite subscriber digital signal testing with respect to WGBA-DT. JBC explained in the Waiver Request that WGBA-DT currently is operating at reduced facilities pursuant to Special Temporary Authority utilizing a directional antenna that is side-mounted on the tower that supports the antenna for the licensed analog operation of WGBA(TV). At the end of the transition, JBC intends to replace WGBA(TV)’s top-mount analog antenna with WGBA-DT’s digital antenna and thereafter provide service at its maximized DTV facilities.

Echostar alleges that JBC has not justified its use of a side-mount antenna for WGBA-DT’s interim facilities. But JBC’s decision to operate WGBA-DT at reduced facilities with a side-mount antenna was neither *ad hoc* nor based on financial exigencies, as Echostar contends. Rather, a side-mount digital antenna was utilized in order to facilitate the rollout of digital service while satisfying the Commission’s objective of preserving unimpaired analog service for the balance of the digital transition. In this regard, JBC’s engineering analysis determined that installing a “common” antenna capable of simultaneously transmitting the Station’s analog and digital signals would require a reduction in the effective radiated power of WGBA(TV), resulting, in turn, in an unacceptable reduction in the analog station’s Grade B coverage area. Relocating the WGBA(TV) antenna from the top of the tower to a side-mount position (in order to accommodate installation of the Station’s digital antenna at the top-mount position) similarly would result in an unacceptable reduction in the Station’s current level of analog service. *See* Waiver Request at 2-3; *see also* Letter to the Secretary from undersigned counsel, dated August 15, 2006, in MB Docket No. 03-15, “Request for Clarification and Limited Relief *Nunc Pro Tunc* from the July 1, 2005 Interference Protection Deadline.”

Throughout the digital transition the Commission has been at pains to ensure that analog viewers are not disenfranchised. *See, e.g., Fifth Report and Order, Advanced Television*

Systems and Their Impact on the Existing Broadcast Television Service, 12 FCC Rcd 12809, 12832-12833 (1997); *Memorandum Opinion and Order on Reconsideration of the Fifth Report and Order*, 13 FCC Rcd 6860, 6886-7 (1998). Also, recognizing that not all viewers have the means to obtain digital receiver equipment, the Commission has been reluctant to take any steps that would impair viewers' continued access to NTSC television prior to the end of the transition. *See, e.g.*, Letter from W. Kenneth Ferree, Media Bureau Chief, Federal Communications Commission, to Barry A. Friedman, Counsel, KJLA, LLC, DA 05-343 (Feb. 9, 2005) (refusing to grant request to terminate analog operations where doing so would result in a limited amount of service loss). Grant of the Waiver Request would be consistent with the Commission's objective to safeguard the availability of free, over-the-air television service to all viewers.

JBC has undertaken good-faith efforts to serve the twin, but not always complementary, Commission goals of facilitating the conversion to digital service while maintaining unimpaired analog service for the balance of the transition. It should not be penalized for doing so. The public interest would be served by grant of the Waiver Request with respect to satellite households predicted to receive service from WGBA-DT's full authorized facilities for the balance of the transition.

Respectfully submitted,

JOURNAL BROADCAST CORPORATION

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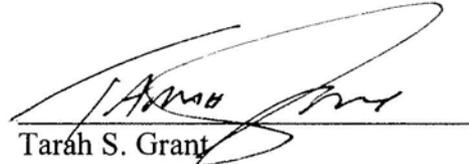
March 24, 2006

Certificate of Service

I, Tarah Grant, hereby certify that on March 24, 2006, I caused a true copy of the foregoing to be served by first-class mail (or by electronic mail where indicated by *) upon the following:

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