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VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Request for Waiver of the Replication/Maximization
Interference Protection Deadline and for
Extension of Construction Permit (File No. BPCDT-19991029AGW)
Station WPAN, Fort Walton Beach, Florida (FIN 31570)

Dear Mrs. Dortch:

By this letter, Franklin Media, Inc., the permittee of WPAN-DT, Fort Walton Beach, Florida ("WPAN"), hereby requests a waiver of the July 1, 2006, Replication/Maximization Interference Protection Deadline and an Extension of its Construction Permit. (See, *In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18279, at Paragraph 78 (2004); see also Public Notice DA 06-1255 (June 14, 2006).)

As discussed in detail below, a waiver is warranted here because the commencement of full-power operations has been delayed by severe hurricane weather and other factors beyond WPAN's control, and because the public interest would be served by grant of the waiver. During the fall of 2004, Hurricanes Jeanne and Ivan struck the Florida Panhandle region, and in July 2005 Hurricane Dennis also swept through the area. The hurricanes damaged the tower where WPAN proposed to locate. As a result of this and other space problems, WPAN is unable to construct at this site and is prepared to file an application for modification of its Construction Permit ("CP") at a different location. Attached as Exhibit A is the Engineering Study which has been prepared and is ready to be filed as soon as the Commission's freeze is lifted.

WPAN is operating under Special Temporary Authority ("STA") at a site other than its authorized CP site (BEDSTA-20030421ADF). A renewal of that STA was filed May 9, 2005 (BEDSTA-20050926ANS) and was accepted for filing on October 19, 2005, and it is still pending. WPAN continues to operate under its pre-existing STA and is awaiting approval of its pending STA.

WPAN is concurrently filing an application for extension (FCC Form 337) of its CP (BPCDT-19991029AGW). This was previously automatically extended while operating under the STA. However, this permit now must be extended to maintain its authorization pending the filing of its modification application and subsequent grant.

For the above reasons, WPAN submits that good cause exists to grant this waiver request. WPAN has been delayed by factors beyond its control (*See, e.g., Digital Television Construction Deadline*, 16 FCC Rcd 8122 at Paragraph 11 (2001), weather-related construction delays of circumstances beyond the licensee's control warranting the

extension of DTV construction deadlines; see also Instructions, FCC Form 337, at 2 ("Natural disasters [such] as floods, tornados, hurricanes, earthquakes and other calamities would be unforeseeable events warranting additional time to construct."). Moreover, given the importance of insuring that viewers receive over-the-air digital signals and the demonstrated benefits associated with grant of WPAN's application to relocate facilities, which it will do as soon as the FCC lifts its freeze, the public interest would be served by granting WPAN additional time to comply with the replication/maximization deadline.

Should further information be desired in connection with this matter, please communicate with this office.

Sincerely,



Robert L. Olender
Counsel for
Franklin Media, Inc.

RLO/mp

Attachment (Engineering Study)

cc: Shaun Mauer, FCC (Via Email)