

June 28, 2006

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**ELECTRONICALLY FILED
(VIA ECFS)**

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

**Re: MB Docket No. 03-15
WTLW-DT, Lima, OH (Facility Id. # 1222)
Request for Waiver of Replication/Maximization Interference
Protection Deadline**

Dear Ms. Dortch:

On behalf of American Christian Television Services, Inc. (“ACTS”), the permittee of digital television (“DTV”) station WTLW-DT, Lima, Ohio (Facility Id. # 1222) (“WTLW”), we hereby request a waiver of the July 1, 2006 replication/maximization interference protection deadline applicable to this station. *See Second Periodic Review of the Commission’s Rules and Regulations Concerning the Transition to Digital Television*, MB Docket No. 03-15, FCC 04-192, ¶ 78 (rel. Sept. 7, 2004). This request is being filed electronically through ECFS pursuant to the FCC’s public notice regarding requests for waiver of the deadline. *See Public Notice, DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline*, DA 06-1255 (rel. June 14, 2006) (“Public Notice”).

WTLW currently operates on NTSC channel 44 and DTV channel 47. As a digital television permittee that has received a tentative channel designation on its current digital channel, WTLW is required to operate with full, authorized DTV facilities by July 1, 2006. In its FCC Form 381, ACTS certified that it will operate WTLW with post-transition digital facilities based on the station’s allocated replication facilities. *See* FCC File No. BCERCT-20041104AAB. As explained below, however, WTLW will not be able to complete construction of these facilities by the July 1 deadline due to circumstances beyond its control.

WTLW’s DTV allotment specifies an ERP of 50kW and an antenna height above average terrain (“HAAT”) of 207 meters. However, WTLW cannot achieve 100 percent replication unless and until its top-mounted analog antenna is removed from the station’s tower. Any attempts at repositioning the analog antenna prior to the

Marlene H. Dortch, Secretary
June 28, 2006
Page 2

cessation of analog broadcasting—i.e., switching the station's side-mounted digital antenna and its top-mounted analog antenna—would result in a severe loss of service to WTLW's current analog viewers.

In its Public Notice, the Commission acknowledged that many broadcasters face this predicament, and asked affected permittees to provide the following details:

- **How close to full replication/maximization the station will be as of the deadline:** Knowing that it could not reach its allotted facilities due to its top-mounted analog antenna, ACTS filed for an interim construction permit using a side-mounted digital antenna. *See* FCC File No. BPCDT-19991025ADV. These facilities, approved at an ERP of 100 kW at a HAAT of 113 meters, will provide coverage to 89.7 percent of the number of viewers WTLW would serve if the station were operating at the full replication facilities certified in its FCC Form 381. (In fact, the number of viewers served by the interim WTLW CP facilities exceeds that of the station's analog service by approximately 8,000 persons.) Except for its high-powered transmitter—expected to arrive on July 14, 2006 from Germany—ACTS has all other DTV equipment in place to immediately begin operating its interim DTV CP facilities. As soon as the transmitter arrives, ACTS will move expeditiously to complete construction and will promptly file an application for a license to cover the interim DTV CP. (Until such time, WTLW's side-mount digital antenna is currently operating with an ERP of 49.5 kW at a HAAT of 113 meters pursuant to special temporary authority. *See* FCC File No. BEDSTA-20040414ADL, as extended.)
- **The reason the station is unable to fully comply:** ACTS cannot reach the replication requirement at this point because the station's tower is fully loaded and cannot support a combined NTSC/DTV antenna at the top of the tower. Further, if ACTS was required to reposition the analog antenna on the tower, WTLW would have to cease analog operations to facilitate the move, resulting in a loss of service to all analog viewers temporarily and, at a new lower, side-mounted position, a loss of service to approximately 24 percent of WTLW analog viewers permanently.
- **The cost to the station and the impact on viewers if the station were required to fully comply:** As noted above, the implementation of full DTV facilities now, or at any time prior to the cessation of analog broadcasting in 2009, will impose severe reductions in analog service to the Lima, Ohio community. In addition,

Marlene H. Dortch, Secretary
June 28, 2006
Page 3

the cost of repositioning the analog antenna is estimated to be between \$186,000 and \$205,000. As a non-profit corporation, ACTS relies on viewer contributions for the majority of its annual funding and, in recent years, has relied on its viewers for much of the capital expenses relating to the initiation of digital broadcasting. Raising the necessary funds to achieve full, authorized facilities at this juncture would mean asking the station's analog viewers to donate money for a weaker or, for some, a nonexistent signal.

- **Whether the station will be able to modify its operation to fully comply after analog operation terminates:** As it certified in its Form 381, ACTS intends to fully replicate its allotted WTLW facilities, replacing its analog antenna with the digital antenna at the top of its tower once analog operation terminates.

A grant of the requested waiver of the FCC's replication/maximization interference protection deadline would ensure that the station's interference protection is not limited to the DTV service area achieved by the July 1, 2006 deadline due to circumstances beyond ACTS's control. Accordingly, ACTS respectfully requests that the Commission grant a waiver of the interference protection deadline for WTLW.

Concurrent with this waiver request, ACTS also is filing through CDBS a request for an extension of WTLW's reduced power DTV STA and an FCC Form 337 application for extension of time to construct the DTV facilities specified in the station's interim construction permit.

If there are any questions concerning this matter, please contact the undersigned.

Sincerely,

/s/ John M. Burgett

John M. Burgett

cc (by email): Shaun Maher