

June 28, 2006

VIA ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
ATTN: Video Services Division

Note: Exempt From Filing Fees

Re: **Request for Waiver of July 1, 2006 DTV Replication/Maximization Deadline**
Noncommercial Educational Station WCET-DT, Cincinnati, OH
Facility ID: 65666 / FRN: 0003025004
MB Docket No. 03-15

Dear Ms. Dortch:

On behalf of the Greater Cincinnati Television Educational Foundation (“GCTEF”), licensee of noncommercial educational station WCET(TV), Cincinnati, Ohio, and pursuant to the FCC Public Notice in DA 06-1255, *DTV Channel Election Issues – Compliance with the July 1 Replication/Maximization Interference Protection Deadline* (June 14, 2006), we hereby request a temporary waiver of the July 1, 2006 replication requirements. As explained below, this filing is submitted out of an abundance of caution due to the current pending status of WCET-DT’s recent modification of permit application.

In the *Second DTV Periodic Report and Order*,¹ the Commission adopted replication/maximization interference deadlines for DTV stations, specifying a July 1, 2006 “use it or lose it” deadline for noncommercial DTV licensees.² In its November, 2004 Pre-Election Certification, GCTEF certified that it would operate post-transition facilities for WCET-DT according to the construction permit in FCC File No. BPEDT-20000420ABE. GCTEF initially built out its digital facility for WCET-DT pursuant to a grant of Special Temporary Authorization (“STA”) in FCC File No. BDSTA-20021119ACB, later modified by BMDSTA-20030328AVK. The technical parameters of the current STA, as most recently extended in BEDSTA-20060105AAG, correspond with those of the granted construction permit in BPEDT-

¹ Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television, *Report and Order*, 19 FCC Rcd 18279 (rel. Sept. 7, 2004) (“Second Periodic Review”).

² *Id.*, ¶ 78.

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20000420ABE, except with regard to effective radiated power (ERP). The ERP is specified at 500 kW by the permit and 215 kW by the STA.

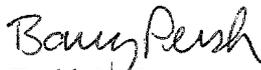
Most recently, on June 21, 2006, GCTEF filed an application in File No. BMPEDT-20060621AAI for a minor modification of its construction permit. The technical parameters proposed by that application, which is currently pending, also correspond with those of the current WCET-DT permit and STA, except that the pending modification filing specifies an ERP of 400 kW. After testing, GCTEF determined that given the nominal output of its Harris DTV transmitter, and considering transmission line loss and antenna power gain, the station's licensed ERP should calculate to 400 kW.

Once the currently pending minor modification of permit application is granted, GCTEF will be able to increase power for WCET-DT from the STA level of 215 kW to 400 kW, and will proceed with the filing of a license to cover application. At that point, the STA (for which GCTEF is separately applying for an extension) will no longer be necessary. In addition, as specified in Exhibit 1 to the modification of permit filing, GCTEF has requested a change to its pre-election certification, to specify the most recent (400 kW) modification filing in BMPEDT-20060621AAI, rather than the (500 kW) permit in BPEDT-20000420ABE to be modified. As a result, upon grant of the pending application and the filing of a license to cover application, GCTEF will also have met its replication/maximization requirements. However, given that the minor modification application remains pending as of this date, GCTEF submits this waiver request in case the modification will not be granted prior to July 1, 2006.

Accordingly, due to circumstances beyond its control concerning the technical capability of its DTV equipment and the pending status of its recent modification of permit filing, GCTEF respectfully requests a temporary waiver of the replication/maximization interference protection deadline. A waiver will only be necessary until such time as the minor modification in File No. BMPEDT-20060621AAI is granted and GCTEF files its license application.

GCTEF is a noncommercial educational broadcaster and operates station WCET(TV/DT) on a noncommercial educational basis. GCTEF is therefore exempt from filing fees pursuant to Section 1.1114 of the FCC's Rules, and exempt from regulatory fees pursuant to Section 1.1162 of the FCC's Rules. The applicant certifies that no party to this filing is subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862. Should any questions arise concerning this waiver request, kindly contact this office.

Very truly yours,



Todd D. Gray

Barry S. Persh

Counsel for Greater Cincinnati

Television Educational Foundation

cc: Shaun Maher (at Shaun.Maher@fcc.gov)