

June 28, 2006

VIA ELECTRONIC FILING

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: MB Docket No. 03-15
WVPX (Akron, Ohio)
Facility ID No. 70491
Request for Waiver of July 1, 2006 Replication/Maximization Deadline

Dear Ms. Dortch:

Paxson Akron License, Inc. ("PAL"), licensee of WVPX(TV), Akron, Ohio (the "Station"), by its attorneys and pursuant to the Commission's *Public Notice*,¹ hereby respectfully requests a waiver of the Commission's July 1, 2006 replication/maximization interference protection deadline.

On February 9, 2005, pursuant to paragraph 95 of the *Report and Order* in the above-referenced docket,² PAL timely notified the Commission of its qualification and request for "flash-cut" authority.³ The Station qualified for "flash-cut" authority because it was allotted an out-of-core channel and because it is not affiliated with one of the top four networks. The Commission has yet to act on the "flash-cut" request.

Accordingly, PAL hereby requests waiver of the deadline until such time as the Commission has had an opportunity to act on the pending "flash-cut" request. Until that time, it

¹ See *DTV Channel Election Issues—Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline*, Public Notice, DA 06-1255 at 5 (rel. June 14, 2006) ("*Public Notice*").

² Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, *Report and Order*, 19 FCC Rcd 18279, ¶ 95 (2004) ("*Report and Order*").

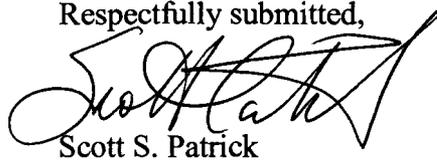
³ See Letter from Scott Patrick, counsel to PAL, to Marlene Dortch, Secretary, FCC, dated Feb. 9, 2005 (copy attached).

is uncertain what digital facilities PAL will be authorized to construct. If the “flash-cut” request is granted, PAL will request dismissal of its pending DTV construction permit application⁴ and submit a new application as however the Commission instructs. If the “flash-cut” request is denied, PAL will ask the Commission to act on its pending DTV construction permit application and implement the permit once issued.

PAL submits that this waiver request satisfies the standards set forth in the *Public Notice*. For reasons beyond its control, PAL has not yet constructed digital facilities for the Station. In the *Report and Order*, the Commission adopted a July 1, 2006 replication/maximization interference protection deadline for all DTV licensees not subject to the July 1, 2005 deadline. The Commission stated that, in cases where a station was unable to meet the applicable deadline due to “circumstances beyond a station’s control,” it would “grant extensions of the applicable replication or maximization interference protection deadline on a six-month basis if good cause is shown.”⁵ To receive such a waiver, broadcasters were required to make a showing “similar to that required to obtain a waiver of the DTV construction deadlines.”⁶ PAL believes this instant waiver request satisfies these requirements.

Should any questions arise, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott S. Patrick", written over a white background.

Scott S. Patrick

Enclosure

cc(w/): Shaun Maher (FCC)

⁴ FCC File No. BPCDT-19990121KE.

⁵ *Report and Order*, ¶ 87. See also *Public Notice*.

⁶ *Report and Order*, ¶ 87.