

June 29, 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
WPXN-DT (New York, New York)
Facility ID No. 73356
Request for Waiver of July 1, 2006 Replication/Maximization Deadline

Dear Ms. Dortch:

Paxson Communications License Company, LLC (“PCLC”), permittee of WPXN-DT, New York, New York (the “Station”), by its attorneys and pursuant to the Commission’s *Public Notice*,¹ hereby respectfully requests waiver of the Commission’s July 1, 2006 replication/maximization interference protection deadline.

Due to circumstances beyond PCLC’s control, the Station cannot implement its maximized facilities prior to the deadline because the Station’s DTV antenna atop the World Trade Center was destroyed in the attacks of September 11, 2001. In its letter dated November 5, 2004, PCLC explained that pursuant to Commission staff instruction it certified to its construction permit BPCDT-19991028ACH because PCLC intends to place the Station’s DTV antenna atop the Freedom Tower in New York City, when that building is constructed in the future.² In the meantime, PCLC operates the Station pursuant to special temporary authority from an antenna on the Empire State Building.³

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*”).

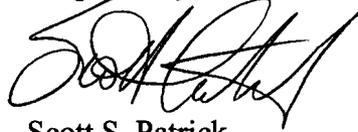
² See Letter from Scott Patrick, counsel to PCLC, to Marlene H. Dortch, Secretary, FCC dated Nov. 5, 2004.

³ See FCC File No. BEDSTA-20050505ACV.

PCLC submits that this waiver request satisfies the standards set forth in the *Public Notice*. The Station was unable to complete construction of its maximized facilities by July 1, 2006 because its DTV antenna was destroyed in the September 11, 2001 terrorist attacks and the Freedom Tower has not yet been constructed. In its *Second DTV Periodic Review Report and Order*,⁴ 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 PCLC believes this instant waiver request satisfies these requirements.

Based upon the foregoing, PCLC believes that it has shown good cause for the Commission to grant waiver of the July 1, 2006 deadline for the Station. Should any questions arise, please contact the undersigned.

Respectfully submitted,



Scott S. Patrick

cc: Shaun Maher (FCC)

⁴ 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) (“*Report and Order*”).

⁵ *Id.*, ¶ 87. See also *Public Notice*.

⁶ *Report and Order*, ¶ 87.