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July 3, 2006

VIA ECFS

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

Re: MB Docket No. 03-15
*In the Matter of Second Periodic Review of the Commission's Rules and Policies
Affecting the Conversion to Digital Television*
Waiver of July 1, 2006 Digital Replication Deadline
WTLH(TV), Bainbridge, Georgia, Facility ID No. 23486

Dear Ms. Dortch:

WTLH License Corp., the licensee of WTLH(TV) and permittee of WTLH-DT, Bainbridge, Georgia, Facility ID No. 23486 ("WTLH"), by its attorneys, hereby submits this request for a waiver and six month extension of the July 1, 2006 deadline by which a station outside of the top-100 markets must replicate or lose interference protection ("Replication Deadline").¹ As further set forth herein, WTLH cannot fully replicate its certified facilities because its application for minor modification of its digital television ("DTV") construction permit remains pending. For these and other reasons set forth herein, WTLH submits that grant of a waiver and extension of the Replication Deadline would be in the public interest.

Licensees, like WTLH, that receive a tentative DTV channel designation on a channel that is not their current digital channel must serve at least 80% of the number of viewers served by the 1997 facility on which their replication coverage was based by July 1, 2006. In its Form 381 Pre-Election Certification, WTLH certified that it would operate its post-transition DTV station based on its allotted replication facilities.² On June 16, 2006, WTLH filed a Form 301

¹ See Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, *Order*, 19 FCC Rcd 18,279 (rel. Sept. 7, 2004) ("*Second Periodic Review Order*").

² See BCERCT-20041104AZJ.

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application for minor modification of its DTV construction permit “Minor Mod Application”). The Minor Mod Application seeks a construction permit with technical parameters designed to replicate. In its June 14, 2006 Public Notice, the Federal Communications Commission (“Commission”) stated as follows: “If such licensee has not received approval of its modification application prior to the Replication Deadline, then it should file a request for waiver of the interference protection deadline.”³ Because the Minor Mod Application remains pending, and because grant of such application is outside of WTLH’s control, WTLH is seeking a waiver consistent with the Public Notice. Upon grant of the Minor Mod Application, WTLH will be prepared to complete construction upon receipt of its antenna, which is scheduled to arrive in August. WTLH has ordered and received all other necessary equipment.

As set forth herein, WTLH cannot complete construction of its DTV facilities prior to the Replication Deadline due to circumstances beyond its control—namely, the pending status of its Minor Mod Application. Thus, WTLH respectfully requests that the Commission grant a waiver and extension of the Replication Deadline. WTLH also requests that the Commission extend the term of its DTV STA so that WTLH may continue to serve its viewers with a digital signal.⁴

Please direct any questions or inquiries regarding this matter to the undersigned.

Respectfully submitted,

/s/

Tom W. Davidson, Esq.

cc: Shaun Maher, Esq. (via e-mail)

³ See DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline, DA 06-1255, *Public Notice*, at 3 (rel. June 14, 2006).

⁴ Per the informal advice of the FCC staff, WTLH is filing a separate letter request seeking extension of its DTV STA.