

COVINGTON & BURLING LLP

1201 PENNSYLVANIA AVENUE NW WASHINGTON
WASHINGTON, DC 20004-2401 NEW YORK
TEL 202.662.6000 SAN FRANCISCO
FAX 202.662.6291 LONDON
WWW.COV.COM BRUSSELS

ROBERT M. SHERMAN
TEL 202.662.5115
FAX 202.778.5115
RSHERMAN@COV.COM

July 7, 2006

VIA ELECTRONIC FILING

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

Re: Waiver of July 1, 2006 Replication/Maximization
Interference Deadline
MB Docket No. 03-15

Barrington Broadcasting Peoria Corporation
WHOI(TV), Peoria, IL
Facility ID No. 6866

Dear Ms. Dortch:

Pursuant to the instructions set forth in Public Notice DA 06-1255,¹ Barrington Broadcasting Peoria Corporation (“Barrington”), licensee of WHOI(TV), Peoria, IL (“WHOI”),² respectfully requests waiver of the Commission’s July 1, 2006 replication/maximization interference deadline to the extent that it applies to the station.³

On October 7, 2003, Chelsey Broadcasting Company of Peoria, LLC, the prior licensee of WHOI, was granted special temporary authority (“STA”) to operate WHOI’s DTV facilities at 82.46 kW effective radiated power on Channel 40 (File No. BDSTA-20030929ANG). When it

¹ *DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline*, DA 06-1255 (rel. June 14, 2006) (“Interference Protection Notice”).

² WHOI is the ABC affiliate in Peoria, Illinois, which is Nielsen DMA Market Rank 117.

³ *See Second Periodic Review of the Commission’s Rules & Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd. 18,279, at ¶ 78 (2004) (“DTV Biennial Review R&O”).

Ms. Marlene H. Dortch, Secretary
July 7, 2006
Page 2

filed its Form 381 Pre-Election Certification Form on November 5, 2004, Barrington certified that, in the post-transition environment, it would operate WHOI-DT using the digital facilities authorized by that STA on the channel it currently uses for analog operations (File No. BCERCT-20041105AMH).⁴ The Commission subsequently extended the STA until July 1, 2006 (File No. BEDSTA-20051108AGX), and a request to extend that STA is currently pending before the Commission (File No. BEDSTA-20060630AHI). Barrington has filed at the Commission an application for a minor modification to its construction permit to specify the same facilities authorized in the STA (File No. BMPCDT-20060612AAV). That application has not yet been acted on by the Commission.

The facilities that are currently authorized by the station's STA – and that will be authorized by its modified construction permit once action on its pending application is taken by the Commission – are the “full, authorized DTV facilities” to which it certified in its pre-election certification form.⁵ Thus, WHOI is operating to meet the more exacting buildout standard which applies to stations that have a tentative designation on their existing DTV channel, even though WHOI has a tentative designation on its existing *analog* channel. Accordingly, once the Commission acts to grant the modification to WHOI's construction permit, Barrington will promptly file an application for a license to cover and at that point will fully comply with the interference protection deadline.

Barrington has completed the physical requirements for compliance with the Commission's build-out requirements. A waiver of the July 1, 2006 replication/maximization deadline, therefore, is required only until the Commission is able to take the administrative steps

⁴ As the *Interference Protection Notice* explains, the “full, authorized DTV facilities” to which a station's compliance with the interference protection deadline is measured “refers to the facilities certified by the licensee on FCC Form 381, Digital Channel Pre-Election Certification Form.” *Interference Protection Notice* at 2.

⁵ As the *Interference Protection Notice* explains, the “full, authorized DTV facilities” to which a station's compliance with the interference protection deadline is measured “refers to the facilities certified by the licensee on FCC Form 381, Digital Channel Pre-Election Certification Form.” *Interference Protection Notice* at 2.

Ms. Marlene H. Dortch, Secretary
July 7, 2006
Page 3

to make WHOI's construction permit consistent with the facilities it was authorized to operate under the STA. Good cause therefore exists for a waiver of this requirement, based on Barrington's demonstrated intent to serve WHOI's replication/maximization population on licensed facilities.

Respectfully submitted,


Robert M. Sherman

*Counsel for Barrington
Broadcasting Peoria
Corporation*

cc: Shaun Maher (via electronic mail)