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July 7, 2006

**ELECTRONICALLY FILED VIA ECFS**

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

Re: **MB Docket No. 03-15**  
Television Satellite Station WGTQ-DT, Sault Ste Marie, Michigan (Facility Id.  
No. 59279), Request for Continued Interference Protection

Dear Ms. Dortch:

On behalf of MTC License LLC (FRN: 0009735887) ("MTC"), the licensee of television broadcasting station WGTQ-DT, Sault Ste Marie, Michigan, a satellite station of WGTU-DT, Traverse City, Michigan (Facility Id. No. 59280), we hereby notify the Commission of the need for continued interference protection in accordance with paragraph 104 of the *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Report and Order*, 19 FCC Rcd 18279 (2004), and the procedures set forth on pages 5-6 of the FCC Public Notice DA 06-1255, released June 14, 2006 (the "Notice").

WGTQ(TV) is currently licensed to operate on NTSC Channel 8 and DTV Channel 9, and has elected to operate on its NTSC Channel post transition. WGTQ(TV) was authorized by the FCC to operate as a satellite of WGTU(TV), Traverse City, Michigan (Facility Id. No. 59280), by letter dated August 13, 2003. *See Exhibit A.*

Stations electing to return their DTV channel are entitled to retain interference protection to the areas defined in existing DTV replication or maximization applications on file with the Commission, until the end of the transition when the station must commence digital transmissions on the NTSC Channel. This interference protection is to apply to the digital service area of the channel on which the station flash cuts to digital to the extent that the station replicates and maximizes at the time of the flash cut. To ensure that satellite stations that have already constructed digital facilities or that do so before the end of the transition are not disadvantaged, such stations are entitled to retain replication and maximization interference protection for their digital stations until the end of the transition in their market.

*A Professional Corporation*

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WGTQ-DT intends to continue its DTV operations on Channel 9 during the transition, and to relinquish Channel 9 before the end of the transition. Accordingly, MTC desires to retain interference protection to its maximized DTV contour on both its NTSC and DTV channels. Consistent with the Commission's policy set forth above, the Notice states, "satellite licensees are not subject to the July 1, 2006 interference protection deadline and are not required to seek a waiver of the deadline in order to retain their DTV interference protection." However, out of an abundance of caution, MTC files this request for continued interference protection after the July 1, 2006 deadline to ensure its treatment as a satellite station pursuant to the Commission's satellite station policies regarding DTV interference protection.

Respectfully submitted,

Julian L. Shepard

cc: Shaun Maher (via e-mail)  
Attachment: Exhibit A (Satellite Authorization Letter)



Federal Communications Commission  
Washington, D.C. 20554  
AUG 13 2003

Exhibit A

MTC License LLC  
c/o Arthur V. Belendiuk, Esquire  
Smithwick & Belendiuk, P.C.  
5028 Wisconsin Avenue, Suite 301  
Washington, DC 20016

Re: WGTU(TV), Traverse City, MI  
Facility ID No. 59280  
File No. BALCT-20030509ACD

WGTQ(TV), Sault Ste. Marie, MI  
Facility ID No. 59279  
File No. BALCT-20030509ACE

Dear Mr. Belendiuk:

This is in reference to the unopposed applications for assignment of the above-captioned television licenses from Scanlan Communications, Inc. ("Scanlan") to MTC License LLC ("MTC"). MTC requests authorization to continue operating WGTQ(TV), Sault Ste. Marie, Michigan as a satellite of WGTU(TV), Traverse City, Michigan, pursuant to Note 5 of Section 73.3555 of the Commission's Rules.<sup>1</sup>

Pursuant to the Commission's television satellite policy, as set forth in *Television Satellite Stations*, an applicant for satellite status is entitled to a presumption that the proposed satellite operation is in the public interest if it meets three criteria: (1) there is no City Grade overlap between the parent and the satellite; (2) the proposed satellite would provide service to an underserved area; and (3) no alternative operator is ready and able to construct or to purchase and operate the satellite as a full-service station.<sup>2</sup> Applications meeting these criteria, when un rebutted, will be viewed favorably by the Commission. If an applicant cannot qualify for the presumption, the Commission will evaluate the proposal on an *ad hoc* basis, and grant the application if there are compelling circumstances that warrant approval.<sup>3</sup>

With respect to the first criterion, MTC has supplied an engineering exhibit demonstrating that no City Grade overlap exists between WGTQ(TV) and WGTU(TV). With respect to the second criterion, MTC has demonstrated, by using our "transmission" test, that the respective area is underserved. The "transmission" test deems an area underserved if there are two or fewer full-service television stations licensed to a proposed satellite's community of

<sup>1</sup> 47 C.F.R. § 73.3555, Note 5.

<sup>2</sup> *Television Satellite Stations*, 6 FCC Rcd 4212, 4213-4214 (1991) (subsequent citations omitted).

<sup>3</sup> *Id.* at 4214.

license.<sup>4</sup> Only one other full-service television station is licensed to Sault Ste. Marie, WGTQ(TV)'s community of license.<sup>5</sup>

With respect to the third criterion, an applicant must show that no alternative operator is ready and able to construct, or to purchase and operate, the proposed satellite as a full-service station.<sup>6</sup> MTC contends that there is substantial and long-standing evidence of the inability of WGTQ(TV) to operate as a full-service, stand-alone station and the unavailability of a qualified buyer to purchase WGTQ(TV) for full-service, stand-alone operation. As support, MTC submits a May 8, 2003, declaration from Ted Hepburn, a media broker, who states that during the time WGTQ(TV) was on the market, no potential buyer showed any interest in purchasing the station and operating it as a full-service television station. Hepburn asserts that "there is just not enough population on the upper peninsula of Michigan to support the operation of a full-service station." Hepburn also states that other stations licensed in the Traverse-City-Cadillac Nielsen Designated Market Area ("DMA") operate satellite stations in the Upper Peninsula of Michigan.

The Commission has expressly recognized the difficulties faced by television stations operating in or near the Upper Peninsula of Michigan and has granted satellite status to a number of stations on that basis. For instance, in *GRK Productions Joint Venture*, 13 FCC Rcd 12168 (1998), the Commission, observing that "the communities of northern Michigan do not generate sufficient revenue to support a full-service station," granted satellite status to WGKU(TV), Vanderbilt, Michigan, located in the Traverse City-Cadillac DMA. *See also Northwoods Educational Television Association*, 13 FCC Rcd 24138 (1998). Given the facts presented in this case, including Hepburn's declaration that no potential buyer showed an interest in operating WGTQ(TV) as a full-service station, we find that MTC has demonstrated that no alternative operator is ready to purchase and operate the proposed satellite as a full-service stand-alone station. Therefore, we conclude, a grant of a continued satellite exception for WGTQ(TV) would serve the public interest.<sup>7</sup>

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<sup>4</sup> *Id.* at 4215.

<sup>5</sup> WWUP(TV), channel 10 (CBS) is currently licensed to Sault Ste. Marie, Michigan. WWUP(TV) operates as a satellite of WWTW(TV), channel 9 (CBS), Cadillac, Michigan

<sup>6</sup> *Television Satellite Stations*, 6 FCC Rcd at 4215.

<sup>7</sup> MTC also requests waiver of the main studio rule to permit continued operation of WGTQ(TV) without a local main studio. Because we are granting MTC's request for continued satellite operation, MTC's request for a waiver of the main studio rule, 47 CFR § 73.1125, is not required in this circumstance and WGTQ(TV) may continue to operate without a main studio.

Accordingly, MTC's request for continued television satellite authorization, pursuant to Note 5 of Section 73.3555 of the Commission's Rules, 47 C.F.R. § 73.3555 Note 5, for WGTQ(TV), Sault Ste. Marie, Michigan as a satellite of WGTU(TV), Traverse City, Michigan IS GRANTED.

Sincerely,



Clay Pendarvis  
Assistant Chief, Video Division  
Media Bureau

cc: Scanlan Communications, Inc.  
c/o Kevin C. Boyle, Esquire