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July 7, 2006

BY ELECTRONIC FILING (ECFS)
Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

Attention: Video Division, Media Bureau

Re: MB Docket 03-15
Request for Extension of Digital Replication Deadline
WOAY-DT, Facility ID No. 66804
FRN: 0006-6112-63
Oak Hill, West Virginia

Dear Ms. Dortch:

Thomas Broadcasting Co. ("Thomas"), licensee of WOAY-TV and permittee of WOAY-DT, Oak Hill, West Virginia, hereby respectfully requests a waiver and extension of the July 1, 2006, deadline by which stations that received a tentative digital channel designation on their current digital channel in the channel election process must construct full, authorized facilities or lose interference protection ("Replication Deadline").

Thomas has been working diligently toward meeting the Replication Deadline. Its full-power DTV transmitter has been ordered, and delivery is expected within the next 90 days. Thomas's earlier progress was substantially hampered, however, because of uncertainty as to its final DTV channel up until late in the process. The currently allotted analog channel for WOAY-TV is Channel 4, and it was allotted Channel 50 as its companion DTV channel. At the time that Thomas filed its First Round Election in February 2005 (File No. BFRECT-20050210AJP), it chose Channel 4 as its final DTV channel.

That selection, however, was initially disapproved because of potential interference to WBRA-TV, Roanoke, Virginia, which elected Channel 3, its current DTV channel. Thomas then entered into an interference agreement with WBRA-TV, and submitted its First Round Conflict Decision Form, File No. BFRCCT-20050812ABX to reflect the agreement reached. Nonetheless, that agreement required Commission approval, and Thomas could not be certain as

to which channel was likely to be its final DTV channel. Clearly, there is a substantial difference between channels 4 and 50 in terms of technical requirements, equipment, and other considerations. The uncertainty as to which channel would be the final channel created substantial difficulties in determining what equipment should be ordered and what strategy should be pursued for transition to digital operation. The tentative channel designation, indicating approval of the interference agreement, was initially released in October 2005, *Tentative Channel Designations for Stations Participating in the First Round of DTV Channel Elections and Second Round Election Filing Deadline*, DA 05-2649, released October 4, 2005, and was not reconfirmed until May 23, 2006, *Tentative Channel Designations for Stations Participating in the First and Second Rounds of the DTV Channel Election Process*, DA 06-1082, released May 23, 2006. Thus, it was only late in the process that Thomas could have any certainty as to its DTV channel. In fact, WOAY-DT's Tentative Channel Designation was inadvertently omitted from the May 2006 *Public Notice* as initially released.

Furthermore, WOAY-DT is located in the extremely small Bluefield-Beckley-Oak Hill market, which is ranked as Nielsen Market No. 149. Furthermore, not only is the market quite small, but the area is one which is economically depressed. Therefore, very few viewers in the area would have the resources sufficient to purchase a DTV receiver that would be able to receive a full-power WOAY-DT broadcast. In addition, the area is a mountainous one, making over-the-air reception of television signals difficult for many viewers in the market. As a result, it is necessary to rely upon cable or satellite for much of the TV reception in the market in any event. WOAY-DT is currently broadcasting at reduced power pursuant to Special Temporary Authority ("STA") granted by the Commission. This STA operation is sufficient to allow cable systems to pick up and distribute the WOAY-DT signal should they so choose. It is only through this means that the WOAY-DT signal is likely to be viewed. Thus, the incremental difference in viewership that would be gained through an expanded WOAY-DT signal is quite small, while the expense is quite great.

Furthermore, the funds to be expended are an investment that cannot be recouped, as the station will return to its current analog channel at the end of transition. The small size of the market necessarily limits the amount of revenues available to the station, but there is no difference in the cost of DTV equipment. Thus, that equipment is relatively more expensive, and substantially more expensive, in a small market than in a larger market. Given these limited revenues, it simply has not been possible to make the substantial expenditures necessary to achieve full replication, especially in light of the exceedingly little return that could ever be achieved on this investment. Rather, since the station will be returning to its analog channel, and since the separation between the channels involved (Channel 4 and Channel 50) is so wide, that investment would be entirely lost.

Nonetheless, Thomas is moving forward with implementation of full-power DTV facilities for WOAY-DT as quickly as feasible. It anticipates that it will be able to achieve 80 percent replication of its current analog facilities later this year. As indicated above, the full-power transmitter for WOAY-DT has been ordered. The order was placed with Harris Corporation, Purchase Order No. 5102, for a SigmaCD 30 kW DTV transmitter and associated RF system, electrical equipment, and services. In addition, a downpayment in the amount of $180,043.58 has been made. Thomas anticipates installing the transmitter promptly upon its receipt.

For the foregoing reasons, Thomas hereby respectfully requests an extension of the Replication Deadline.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,

Anne Goodwin Crump
Counsel for Thomas Broadcasting Co.

cc: Mr. Shaun Maher **By E-Mail (Shaun.Maher@fcc.gov)**

DECLARATION

I, Al Marra, hereby declare and state as follows:

I am General Manager of WOAY-TV and am therefore familiar with its operations. I have read the foregoing request for extension of the July 1, 2006, deadline by which stations that received a tentative digital channel designation on their current digital channel in the channel election process must construct full, authorized facilities or lose interference protection.

I hereby declare under penalty of perjury that the facts contained therein are true and correct to the best of my knowledge and belief.

Executed this 7th day of July, 2006.

Al Marra