



Kathryn R. Schmeltzer
202.663.8000
kathryn.schmeltzer@pillsburylaw.com

August 29, 2006

By Electronic Filing

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

**Re: Television Station Section 339(a)(2)(D)(viii) Waiver Request
WSMH-DT, Flint, MI (FIN: 21737)
MB Docket No. 05-317**

Dear Ms. Dortch:

Pursuant to Section 339(a)(2)(D) of the Communications Act of 1934, as amended by the Satellite Home Viewer Extension and Reauthorization Act of 2004 (“SHVERA”),¹ WSMH Licensee LLC, the applicant for a construction permit for WSMH-DT, Flint, Michigan (“WSMH”), hereby requests a further six-month waiver of the FCC’s rule permitting satellite subscribers to qualify, under a digital signal strength test, for satellite retransmission of distant digital network signals.² In May 2006, the FCC concluded that the necessity to coordinate WSMH’s proposed digital operations with Canadian stations justified a six-month digital testing waiver until October 31, 2006.³ The International Bureau continues to negotiate with Industry Canada, and the station’s application for a full-power digital facility is still pending. *Id.* at ¶ 15. In the interim, the station has begun construction of a “checklist” facility (File No. BPDCT-

¹ See 47 U.S.C. § 339(a)(2)(D), as amended by Section 204 of SHVERA.

² See *In the Matter of Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004*, DA 06-801, at ¶ 46 (2006).

³ *Id.* at ¶ 15.

