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FILED ELECTRONICALLY

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

**Re: REQUEST FOR RENEWAL OF
TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER
MB Docket No. 05-317**

**Lambert Broadcasting of Burlington, LLC
WVNY-DT, Burlington, Vermont
Facility ID # 11259**

Dear Ms. Dortch:

Pursuant to the procedures set forth in Public Notice DA 05-2979 and Order DA 06-801,¹ Lambert Broadcasting of Burlington, LLC (“Lambert”), licensee of WVNY-TV and permittee of WVNY-DT, Burlington, Vermont (“the station” or “WVNY”),² respectfully requests renewal of the waiver of Section 339(a)(2)(D) of the Communications Act to prohibit testing of WVNY’s digital signal coverage to decide whether a satellite system may deliver a distant digital signal to a viewer within the Grade B contour of WVNY’s analog signal.

¹ *TV Station Requests for Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004 to be Filed by November 30, 2005 or February 15, 2007*, Public Notice, DA 05-2979 (rel. Nov. 17, 2005) (“Waiver Notice”); *Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004*, Order, DA 06-801, MB Dkt. No. 05-317 (rel. May 1, 2006) (“Waiver Order”).

² WVNY is the ABC affiliate in Burlington, Vermont.

The circumstances that existed four months ago, when the Media Bureau granted the waiver, still exist and justify a renewal of the waiver.³ Specifically, WVNY's digital signal coverage continues to be limited due to the unremediable presence of "clear zoning or environmental legal impediments."⁴

As the Media Bureau has recognized,⁵ Lambert is a member of a coalition of television stations co-locating their DTV facilities on top of Mt. Mansfield in Vermont. Lambert and the other broadcasters proposed to build on Mt. Mansfield due to Vermont's restrictive environmental regulations. The protracted process of overcoming zoning and environmental obstacles began in 1997. An application for zoning approval was submitted and a settlement agreement with the state was reached in 2003, and Vermont finally granted zoning approval for the facilities in April 2005.

Once it had obtained the zoning approval, the coalition immediately commenced construction of the tower. Construction is constrained, however, by the environmental permits and the fact that extreme weather conditions at Mt. Mansfield (the highest point in Vermont) limit the construction season to June through October. At the time of the initial waiver request, the transmitter building and the tower foundations had been constructed.

Construction resumed in spring 2006, and construction crews have now finished construction of the tower. Antenna installation is expected soon. Within 30 days, Lambert anticipates that it will install the transmitter and begin testing its new digital facility. Lambert continues to believe that it will commence WVNY-DT operations in November, just slightly after the expiration of the existing waiver.

* * *

For the reasons stated herein, there can be no doubt that WVNY's digital signal coverage continues to be limited due to unremediable zoning and environmental legal impediments. Accordingly, Lambert respectfully requests that the Commission renew the waiver exempting WVNY from digital signal testing in accordance with Section 339(a)(2)(D)(viii)(II) of the Act.

³ See *Waiver Order* at ¶ 20. See also 47 U.S.C. § 339(a)(2)(D)(viii), providing that "a waiver may be renewed upon a proper showing."

⁴ See 47 U.S.C. § 339(a)(2)(D)(viii)(II).

⁵ See *Waiver Order* at ¶ 20.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Eve Pogoriler", is written over a horizontal line.

Eve Pogoriler*

*Counsel for Lambert Broadcasting of Burlington,
LLC*

* Admitted only in Massachusetts; not admitted in the District of Columbia, and supervised by principals of the firm.

cc: Nazifa Sawez (by hand delivery)