LAW OFFICES

COHN AND MARKS LLP

ROBERT B. JACOBI
ROY R. RUSSO
RONALD A. SIEGEL
RICHARD A. HELMICK
J. BRIAN DE BOICE
JEROLD L. JACOBS
ELLEN MANDELL EDMUNDSON

SUSAN V. SACHS

SUITE 300
1920 N STREET N.W.
WASHINGTON, D.C. 20036-1622

TELEPHONE: (202) 293-3860
FACSIMILE: (202) 293-4827
HOME PAGE: WWW.COHNMARKS.COM

OF COUNSEL:
MARCUS COHN (1913-2001)
LEONARD H. MARKS (1916-2006)
JOEL H. LEVY
LAWRENCE N. COHN

DIRECT DIAL:
202-452-4825

EMAIL ADDRESS:
ellen.edmundson@cohnmarks.com

February 15, 2007

BY ECFS

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

Re: WBOY-DT, Clarksburg, WV (Facility ID No. 71220)
MB Docket No. 05-317
TELEVISION STATION SECTION 339(a)(2)(D)(viii) WAIVER REQUEST

Dear Ms. Dortch

On behalf of West Virginia Media Holdings, LLC, licensee of WBOY-TV, Clarksburg, WV, and and in accordance with the *FCC Public Notice*, DA 05-2979, dated November 17, 2005 (*"SHVERA Testing Waiver Public Notice")*, this letter requests a waiver pursuant to Section 339(a)(2)(D)(viii) of the Satellite Home Viewer Extension and Reauthorization Act ("SHVERA") to prohibit satellite subscribers from receiving or conducting tests of WBOY-DT's digital signal.[1]

It respectfully submitted that good cause exists to grant the requested waiver. The attached Engineering Statement of Cohn, Dippell and Everist, P.C. provides clear and convincing evidence that the station presently experiences a substantial decrease in its digital signal coverage due to the necessity of using a side-mounted antenna during the digital transition.

By way of background, WBOY-DT operates pursuant to Special Temporary Authority ("STA") on a side-mounted position on the WBOY-TV tower because of the presence of the top-mounted WBOY-TV analog antenna on the tower; the reduction in the analog service area that would result from switching the positions of the analog and digital antennas during the digital

[1] WBOY-TV/DT is an affiliate of the NBC network in a market below the Top 100. Therefore, this waiver request is timely submitted pursuant to note 7 of the *SHVERA Testing Waiver Public Notice, supra*.

transition would cause analog service losses to viewers that currently receive the station's over-the-air analog signal, contrary to the public interest in continued analog service during the digital transition.[2] In addition, whereas the current WBOY-DT operation and construction permit are on UHF Channel 52, WBOY-DT has a tentative channel designation ("TCD") on VHF Channel 12[3], its NTSC channel, and WBOY-DT intends to use the current Channel 12 VHF antenna for its post-transition digital operation.

The map at Exhibit E-1 of the attached Engineering Statement depicts the geographic area of the post-transition TCD top-mounted Channel 12 facilities not served by the side-mounted Channel 52 WBOY-DT facilities. Table I to the Engineering Statement shows that the side-mounted Channel 52 facilities serve only **37.3% of the area** and **only 4.2% of the population** predicted to be served by the post-transition Channel 12 facilities, which is a substantial reduction in geographic and population coverage.

Section 339(a)(2)(D)(viii) authorizes the Commission to grant a request for waiver to prohibit satellite subscribers from receiving or conducting tests of a television station's digital signal where it is shown that the station experiences a substantial decrease in its digital signal coverage area due to the necessity of using a side-mounted antenna. It is respectfully submitted that the demonstration in the Engineering Statement that the side-mounted Channel 52 facilities serve only 37.3% of the area and only 4.2% of the population predicted to be served by the post-transition Channel 12 facilities satisfies the statutory waiver standard and warrants grant of a waiver to WBOY-DT.

Accordingly, for the reasons set forth herein, a grant of the foregoing waiver request is respectfully requested.

Sincerely,

Ellen Mandell Edmundson
Counsel to West Virginia Media Holdings, LLC

Cc: Nazifa Sawez – Room 2-A726 (by hand delivery)

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[2] *See e.g. FCC Public Notice*, DA 05-1636 dated June 15, 2005 ("…some stations with a top-mounted analog antenna and a side mounted digital antenna state that they cannot completely replicate their analog signal in digital without switching the antennas, which would cause some analog viewers to lose service); *see generally Hall v. Federal Communications Commission*, 237 F. 2d 567, 99 U.S.App.D.C. 86, 18 RR 2009, 2012 (D.C. Cir., 1956)(holding that any loss of existing broadcast service is contrary to the public interest).

[3] *FCC Public Notice, "DTV Tentative Channel Designations for 1,554 Stations Participating in the First Round of DTV Channel Elections"*, DA 05-1743 (released June 23, 2005) at Attachment I, page 30.

EXHIBIT E

ENGINEERING STATEMENT
ON BEHALF OF
WEST VIRGINIA MEDIA HOLDINGS, LLC
IN SUPPORT OF ITS REQUEST FOR A WAIVER TO
PROHIBIT SATELLITE SUBSCRIBERS FROM RECEIVING OR
CONDUCTING DIGITAL SIGNAL STRENGTH TESTS
WBOY-DT, CLARKSBURG, WEST VIRGINIA
TENTATIVE POST-TRANSITION FACILITIES
CHANNEL 12 6.552 KW ERP 262 METERS HAAT

FEBRUARY 2007

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President, Secretary and Treasurer of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.

Donald G. Everist
District of Columbia
Professional Engineer
Registration No. 5714

Subscribed and sworn to before me this 15th day of February, 2007.

Notary Public

My Commission Expires: 2/28/2008

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

Martin R. Doczkat being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer of the Pennsylvania State University, and is a staff engineer at Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.

Martin R. Doczkat

Subscribed and sworn to before me this 15th day of February, 2007.

Notary Public

My Commission Expires: 2/28/2008

CAROLYN L. LYONS NOTARY PUBLIC DISTRICT OF COLUMBIA

This engineering statement has been prepared on behalf of West Virginia Media Holdings, LLC ("WVMH"), licensee of WBOY-TV, Clarksburg, West Virginia, in support of its request for a waiver to prohibit satellite subscribers from receiving or conducting digital signal strength tests of the WBOY-DT digital signal. It will be shown herein that substantial technical problems result in WBOY-DT experiencing due to the necessity of using a side-mounted antenna during the digital transition a substantial decrease in its present digital signal coverage area.

WBOY-TV is presently licensed to operate on an analog basis on VHF Channel 12 with a top-mounted antenna at 262 meters antenna height above average terrain ("HAAT") and 174 meters antenna radiation center above ground level ("RCAGL") with 263 kW non-directional effective radiated power ("ERP"). WBOY-DT has certified its intention to establish "replication" facilities and presently is authorized to construct DTV facilities on UHF Channel 52 at the currently licensed WBOY-TV antenna site at an HAAT of 249.8 meters (162.1 meters RCAGL) with a directional ERP of 324 kW.

Due to the presence of the top-mounted WBOY-TV NTSC antenna on the tower, WBOY-DT has operated side-mounted on the WBOY-TV tower under special temporary authority ("STA") on UHF Channel 52 at an HAAT of 247.2 meters (159.5 meters RCAGL) with a directional ERP of 3.14 kW. On July 7, 2006 WVMH requested a waiver of the replication/interference protection deadline, which remains pending at this time. WBOY-DT holds a tentative channel designation ("TCD") for post-transition operation on its NTSC channel, VHF Channel 12.[1]

WBOY-DT intends to operate its post-transition replication facilities utilizing the VHF antenna that is currently utilized in the NTSC operation of WBOY-TV at a top-mounted position and has requested a waiver of the otherwise applicable replication/interference protection

[1] "In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service", MM Docket 87-268, Seventh Further Notice of Proposed Rule Making (FCC 06-150), 10/20/06.

deadline. The current WBOY-DT side-mounted STA operation results in a substantially decreased digital signal coverage area.

Table I provides a summary of the geographic coverage areas and the population coverage based on Longley-Rice analysis of the currently side-mounted WBOY-DT operation and the WBOY-DT allotted replication facilities. As shown, the proposed post-transition Channel 12 (antenna top-mounted) facilities are predicted to serve 524,731 persons as compared to the current WBOY-DT Channel 52 STA (antenna side-mounted) facilities which are predicted to serve 21,936 persons. Therefore, the WBOY-DT Channel 52 STA facilities are predicted to serve 4.2% of the population predicted to be served by the post-transition Channel 12 facilities. Further, the post-transition Channel 12 (antenna top-mounted) facilities are predicted to serve an area of 20,742 square kilometers while the current WBOY-DT STA Channel 52 facilities utilizing the side-mounted antenna are predicted to serve 7,743 square kilometers. Therefore, the WBOY-DT Channel 52 STA facilities are predicted to serve 37.3% fo the area predicted to be served by the post-transition Channel 12 facilities.

The predicted 2000 service population and area for the WBOY-DT STA operation used the FCC's FORTRAN-77 code which was modified only to the extent necessary (primarily input/output handling) for the program to run on a Windows XP/Intel platform. Comparison of service/interference areas and populations indicates that this model closely matches the FCC's evaluation program. Best efforts have been made to use data and calculations identical to the FCC's program. Any slight differences are attributable to compiler, operating system and/or processor characteristics. The effect of any variance in calculated population values versus the FCC's program is minimized when differencing a given model's results, such as calculating new interference as total interference less baseline interference. Any variance effect is further reduced when using ratios of calculated population values such as measuring the incremental population affected as a percent of the total population served. The model employs the

Longley-Rice propagation methodology and evaluates in grid cells of approximately 4 km^2 using 3-second terrain data sampled approximately every 1.0 km at one degree azimuth intervals with 2000 Census centroids.

Other stations potentially affecting the WBOY-DT STA operation were selected from the FCC's Consolidated Database System ("CDBS") according to the FCC Public Notice dated August 10, 1998 and entitled, "Additional Application Processing Guidelines for Digital Television", which outlines the station selection criteria "culling distances" for considering potential interference scenarios.

The predicted 2000 service population and area for the WBOY-DT post-transition top-mounted Channel 7 facility were abstracted from the FCC's Data and Analyses Regarding Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service, released November 7, 2006, intended to accompany the Seventh Further Notice of Proposed Rule Making.[2]

Attached hereto is a map (Exhibit E-1) which depicts the geographic area of the post-transition TCD top-mounted Channel 12 facilities not served by the side-mounted Channel 52 WBOY-DT STA facilities.

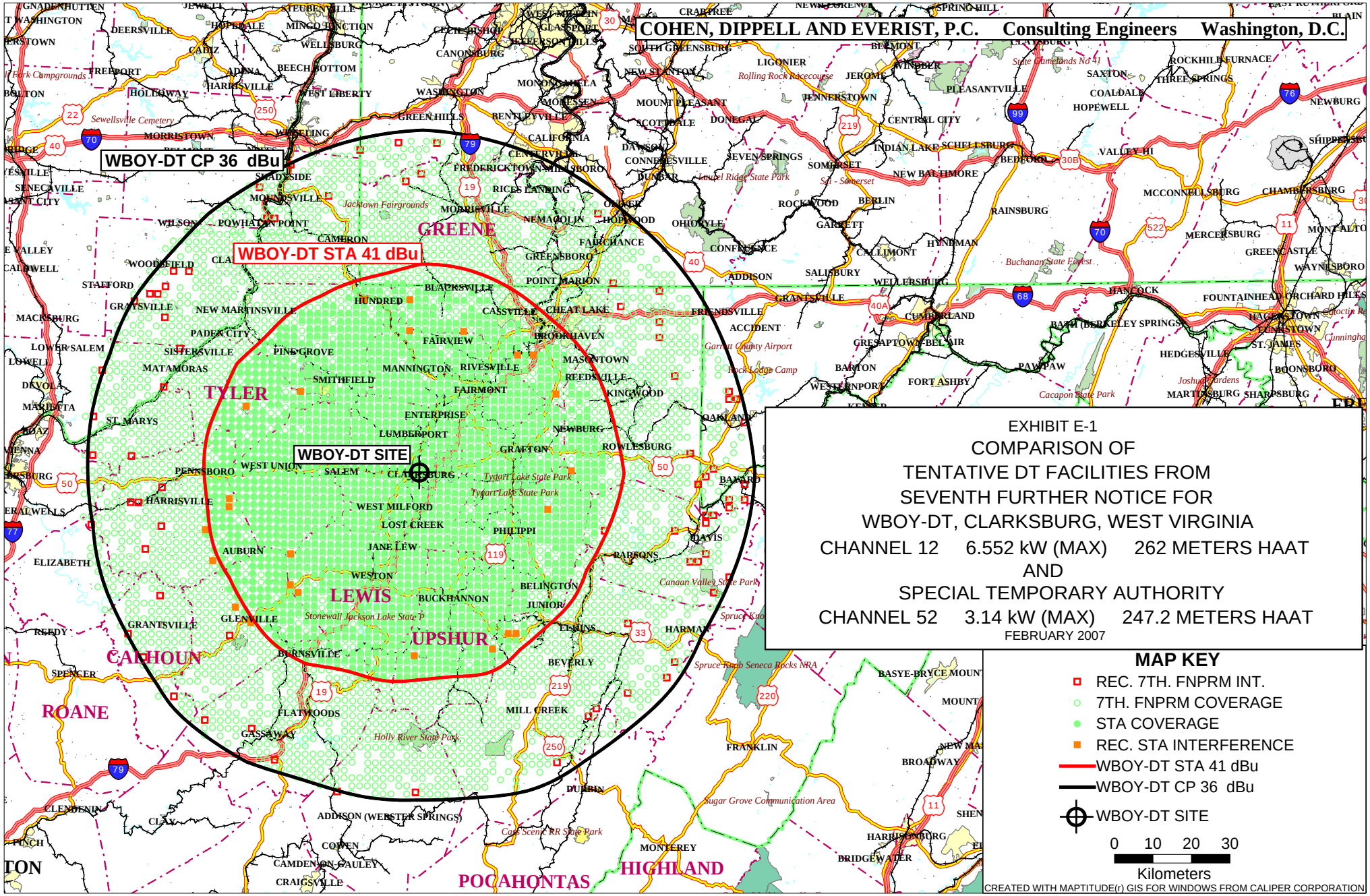
Based on the foregoing, it has been demonstrated that WBOY-DT is currently experiencing a substantial decrease in its digital signal coverage area due to the necessity of using a side-mounted antenna during the digital television transition. WBOY-DT intends to serve the post-transition TCD top-mounted Channel 12 geographic area by replacing the top-mounted WBOY-TV analog facilities.

[2] Ibid.

TABLE I
COMPARISON OF THE PREDICTED
LONGLEY-RICE POPULATION FOR
THE SPECIAL TEMPORARY AUTHORITY ON CHANNEL 52
AND THE 7TH FURTHER NPRM FACILITY ON CHANNEL 12
WBOY-DT, CLARKSBURG, WEST VIRGINIA
FEBRUARY 2007

	2000 Service Population	Area sq. km
WBOY-DT STA Service Considering Terrain and Received Interference from Other Potentially Affected Facilities in the CDBS	21,936	7,743

	2000 Service Population	Area sq. km
WBOY-DT Proposed Post-Transition Channel 12 Operation Considering Terrain and Received Interference from Other Potentially Affected Facilities Proposed in the Seventh FNPRM	524,731	20,742


COHEN, DIPPELL AND EVERIST, P.C. Consulting Engineers Washington, D.C.
WBOY-DT CP 36 dBu
WBOY-DT STA 41 dBu
WBOY-DT SITE
GREENE
TYLER
LEWIS
UPSHUR
CALHOUN
ROANE
POCAHONTAS
HIGHLAND
EXHIBIT E-1
COMPARISON OF
TENTATIVE DT FACILITIES FROM
SEVENTH FURTHER NOTICE FOR
WBOY-DT, CLARKSBURG, WEST VIRGINIA
CHANNEL 12 6.552 kW (MAX) 262 METERS HAAT
AND
SPECIAL TEMPORARY AUTHORITY
CHANNEL 52 3.14 kW (MAX) 247.2 METERS HAAT
FEBRUARY 2007
MAP KEY
REC. 7TH. FNPRM INT.
7TH. FNPRM COVERAGE
STA COVERAGE
REC. STA INTERFERENCE
WBOY-DT STA 41 dBu
WBOY-DT CP 36 dBu
WBOY-DT SITE
0 10 20 30
Kilometers
CREATED WITH MAPTITUDE(r) GIS FOR WINDOWS FROM CALIPER CORPORATION