

ORIGINAL

HARRY F. COLE  
ANNE GOODWIN CRUMP  
VINCENT J. CURTIS, JR.  
JOSEPH M. DI SCIPIO  
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KEVIN M. GOLDBERG  
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MICHAEL W. RICHARDS\*  
JAMES P. RILEY  
KATHLEEN VICTORY  
HOWARD M. WEISS  
RONALD R. WHITWORTH

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW  
11th FLOOR, 1300 NORTH 17th STREET  
ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400

FAX: (703) 812-0486

www.fhhlaw.com

RETIRED MEMBERS  
RICHARD HILDRETH  
GEORGE PETRUTSAS

CONSULTANT FOR INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS  
SHELDON J. KRYS  
U. S. AMBASSADOR (ret.)

OF COUNSEL  
DONALD J. EVANS  
EDWARD S. O'NEILL\*  
ROBERT M. GURSS\*

WRITER'S DIRECT

(703) 812-0432  
disciplo@fhhtlaw.com

\*NOT ADMITTED IN VIRGINIA

November 15, 2007

FILED/ACCEPTED

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Federal Communications Commission  
Office of the Secretary

Via ECFS and Hand

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: MB Docket No. 03-15 – Requests for Waiver of the July 1, 2006 “Use or Lose”  
Deadline as Extended to November 18, 2007

Dear Ms. Dortch:

On May 18, 2007, the Commission issued an order granting Christian Faith Broadcast, Inc., (“Christian Faith”) the permittee of WGGN-DT/11027, Sandusky, Ohio a six-month extension of the July 1, 2006 “use or lose” interference protection deadline.<sup>1</sup> Christian Faith, via undersigned counsel, seeks a further extension of the “use or lose” deadline.

As Christian Faith described in its previous “use or lose” waiver request, its authorized tower is unsuitable for digital construction as the tower is not currently structurally capable of supporting its authorized digital facilities thus Christian Faith began the search for an alternative site.<sup>2</sup> Federal Aviation Administration height restrictions and local zoning restrictions have severely limited, if not made it impossible, to construct a tower near its authorized site.

In addition to the search for an alternative site, Christian Faith, although having a construction permit for a 1000 kW facility, was in discussions with the Commission for over a year regarding its post-transition facilities due to issues surrounding its post-transition certification. Because Christian Faith did not know whether its post-transition facilities would be 50 kW, 1000 kW or somewhere in between, it was virtually impossible to plan for its post-

<sup>1</sup> Order, *DTV Buildout, Requests for Waiver of July 1, 2005 and July 1, 2006 “Use or Lose” Deadlines, Request for Waiver of the August 4, 2005 “Checklist” Deadline*, 22 FCC Rcd 9750, Appendix A.

<sup>2</sup> Letter Waiver Request from Joseph M. Di Scipio, Esq. to Marlene H. Dortch, Esq. dated July 3, 2006.

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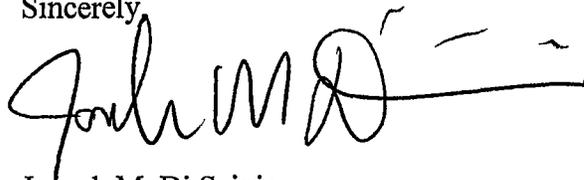
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transition operations.<sup>3</sup> Nonetheless, Christian Faith searched continuously and diligently for a tower site that would pass both Federal Aviation Administration ("FAA") and local zoning scrutiny. Finally, through the efforts of Aviation Management Associates, a site was located near New London, Ohio. Christian Faith received a final Determination of No Hazard for the New London site on October 30, 2007. Christian Faith is in the process of preparing an application to modify its digital construction permit to reflect permanent operations from this new site.

Christian Faith was unable to meet the current "use or lose" deadline due to the difficulty in finding a new tower site facility (particularly since its authorized tower is not currently useable for digital). Christian Faith began its search for an alternative site over three years ago. The FAA approved the initial alternative site in November of 2005, but Christian Faith was denied a special use permit by the local zoning board in February of 2006. While that initial site was in progress, Christian Faith was also diligently working on an alternative site, and eventually two other sites, each of which was unsuccessful due either to FAA or local zoning issues. As described above Christian Faith finally found and secured FAA approval at the New London site. The site at New London is not zoned so no zoning approval is necessary. Clearly, while the search for an alternative site was ongoing, Christian Faith could not begin construction of final digital facilities at the currently authorized site because the tower structure could not support the digital facilities, and because it did not know the post-transition power until a few months ago.

Christian Faith Broadcast, Inc., through undersigned counsel, respectfully requests a waiver of the "use or lose" interference/maximization protection deadline. As demonstrated herein, the deadline could not be met due to circumstances clearly beyond Christian Faith's control.

Sincerely

A handwritten signature in black ink, appearing to read "Joseph M. Di Scipio", with a long horizontal line extending to the right.

Joseph M. Di Scipio  
*Counsel to Christian Faith Broadcast, Inc.*

cc: Mr. Shaun Maher – Room 2-A820

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<sup>3</sup> Christian Faith was awarded a 700 kW facility in the DTV Table of Allotments Seventh Report and Order.