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April 15, 2008

**VIA ECFS**

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

Re: MB Docket No. 05-317  
WTVG(TV), Toledo, Ohio, Facility ID No. 74150  
TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST

Dear Ms. Dortch:

WTVG, Inc. (“WTVG”), the licensee of WTVG(TV), Toledo, Ohio, Facility ID No. 74150, by its attorneys, hereby requests a further six-month waiver of the July 15, 2007 digital signal testing implementation date (“Testing Deadline”) to prevent satellite subscribers from conducting a digital signal strength test of WTVG-DT for purposes of obtaining a distant network signal. The instant extension request is sought pursuant to Section 339(a)(2)(D) of the Communications Act (“Section 339”), as amended by the Satellite Home Viewer Extension and Reauthorization Act of 2004 (“SHVERA”), and actions by the Federal Communications Commission (“FCC”).<sup>1</sup>

In February 2007, WTVG requested that the FCC waive the Testing Deadline as it applies to WTVG-DT because WTVG-DT’s digital signal coverage was limited due to the necessity of using a side-mounted antenna.<sup>2</sup> The FCC’s Media Bureau granted WTVG’s request and extended the digital signal testing implementation date for WTVG-DT to January 15, 2008.<sup>3</sup> Specifically, the FCC found that WTVG-DT’s inability to serve 16.8 percent of the area predicted to be served by its initial DTV allotment and 33.6 percent of the area within its analog grade B contour constituted a substantial reduction in

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<sup>1</sup> See, e.g., 47 U.S.C. § 339(a)(2)(D), as amended by Section 204 of SHVERA; Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004, *Order*, MB Docket 05-317, DA 07-3201 (rel. Jul. 13, 2007) (“*First Waiver Order*”); Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004, *Order*, MB Docket 05-317, DA 08-111 (rel. Jan. 16, 2008) (“*Second Waiver Order*”).

<sup>2</sup> See Letter to Ms. Marlene H. Dortch, Secretary, FCC, from Tom W. Davidson, Esq. re WTVG(TV), Toledo, Ohio, Facility ID No. 74150, MB Docket 05-317, (filed Feb. 15, 2007) (“*Waiver Request*”).

<sup>3</sup> *Waiver Order*, at ¶ 25.

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coverage area and thus justified grant of a digital testing waiver.<sup>4</sup> In January 2008, the Media Bureau reiterated this conclusion and granted a further six-month extension of the Testing Deadline for WTVG-DT, until June 15, 2008.<sup>5</sup>

Section 339 provides that a station may obtain an extension of a temporary waiver of satellite subscriber digital signal testing if “the station’s digital signal coverage is limited due to the unremediable presence of one or more” statutory criteria.<sup>6</sup> One criterion is whether “the station experiences a substantial decrease in its digital signal coverage area due to the necessity of using a side-mounted antenna.”<sup>7</sup> WTVG requests a further six-month waiver of digital signal testing on the basis of this criterion because WTVG’s signal coverage remains limited due to its need to use a side-mounted antenna until the end of the DTV transition.

As explained in WTVG’s initial waiver request, WTVG had to side-mount WTVG-DT’s antenna on the WTVG tower’s lower and wider base because the top tower mast positions are occupied by the WTVG-TV antenna.<sup>8</sup> The large size of the tower at this level continues to cause signal blockage and reduce the number of viewers that WTVG-DT can reach. WTVG cannot remedy this signal blockage at this time because (i) the higher antenna position is occupied by the NTSC antenna and (ii) it will use its current NTSC channel as its post-transition DTV channel. In short, WTVG-DT continues to experience the same reduction in coverage area as was reported in its initial waiver request.<sup>9</sup> Accordingly, because WTVG-DT’s signal coverage continues to be “limited” due to its need to use a side-mounted antenna and its plans to use its NTSC channel for its post-transition operations, a further six-month waiver of satellite subscriber digital signal testing is warranted.

Please do not hesitate to contact the undersigned with any questions regarding this matter.

Sincerely,

/s/ Tom W. Davidson  
Tom W. Davidson, Esq.

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<sup>4</sup> *Waiver Order*, at ¶ 25.

<sup>5</sup> *See Second Waiver Order*, at ¶ 17.

<sup>6</sup> 47 U.S.C. § 339(a)(2)(D)(viii).

<sup>7</sup> 47 U.S.C. § 339(a)(2)(D)(viii)(IV).

<sup>8</sup> *See Waiver Request*, at 2 and *Engineering Statement to Waiver Request*, at Exhibit 6.

<sup>9</sup> *See Engineering Statement to Waiver Request*, at Exhibit 6 (attached hereto).