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April 30, 2008

**BY ECFS**

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

**Re: TELEVISION STATION SECTION 339(a)(2)(D)(viii) WAIVER REQUEST  
REQUEST FOR EXTENSION OF SHVERA WAIVER  
MB Docket No. 05-317  
WTRF-DT, Wheeling, WV (Facility ID No. 6869)**

Dear Ms. Dortch

On behalf of West Virginia Media Holdings, LLC, licensee of WTRF-TV (analog channel 7/pre-transition digital channel 32/post-transition digital channel 7), Wheeling, WV, the purpose of this submission is to request a further extension of the waiver of Section 339(a)(2)(D) of the Communications Act, as amended by the Satellite Home Viewer Extension and Reauthorization Act of 2004 ("SHVERA"), that was granted to WTRF-DT by *Order*, "Waiver of Digital Testing Pursuant To the Satellite Home Viewer Extension and Reauthorization Act of 2004," 22 FCC Rcd 12918 (Chief, Media Bureau, released July 13, 2007) ("*July 2007 Order*"), and extended by *Order*, 23 FCC Rcd 396 (Chief, Media Bureau, released January 16, 2008) ("*January 2008 Order*"). The waiver is currently scheduled to expire on June 15, 2008.<sup>1</sup>

In support hereof, the following is respectfully shown:

Section 339(a)(2)(D), as amended, permits certain satellite subscribers to attempt to demonstrate eligibility for satellite reception of the digital signals of distant network stations

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<sup>1</sup> WVMH respectfully requests that, under the circumstances set forth herein, the Commission consider this waiver request, notwithstanding the April 15, 2008 date to request extensions set forth at paragraph 20 of the January 2008 Order.

based on signal strength testing of the over-the-air digital signal of the local station affiliated with that network. Section 339(a)(2)(D)(viii) of the Act authorizes the Commission, under certain enumerated circumstances, to grant waivers of Section 339(a)(2)(D) to local network-affiliated stations, thereby prohibiting satellite subscribers from receiving or conducting such digital signal strength tests. In pertinent part, Section 339(a)(2)(D)(viii) authorizes the Commission to grant a waiver to a station shown to experience a substantial decrease in its digital signal coverage area due to the necessity of using a side-mounted antenna for pre-transition digital operation. WTRF-DT was granted a digital signal testing waiver “due to its substantially reduced coverage area caused by the necessity to use a side mount antenna,”<sup>2</sup> which was extended in recognition of the fact that “side-mounted operation of the station’s antenna is expected to continue until the transition takes place.”<sup>3</sup>

The circumstance that warranted grant of a SHVERA waiver to WTRF-DT is still in effect. WTRF-DT continues to operate from a side-mounted position on the WTRF-TV tower because the WTRF-TV analog antenna occupies the position on top of the tower from which WTRF-DT will operate digitally post-transition. It was previously demonstrated in this matter that switching the positions of the station’s analog and digital antennas during the digital 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.<sup>4</sup> WTRF-DT has been granted a waiver to complete the DTV build-out until February 17, 2009,<sup>5</sup> and side-mounted operation of WTRF-DT is expected to continue until that date.

Under the foregoing circumstances, and in accordance with Section 339(a)(2)(D)(viii), it is respectfully submitted that an extension of the waiver exempting WTRF-DT from digital signal testing is justified. Extension of the waiver is respectfully requested.

Sincerely,



Ellen Mandell Edmundson  
Counsel to West Virginia Media Holdings, LLC

Cc: Nazifa Sawez (by e-mail )

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<sup>2</sup> *July 2007 Order* at para. 26.

<sup>3</sup> *January 2008 Order* at para. 18.

<sup>4</sup> *WTRF-DT Waiver Request*, MB Docket No. 05-317, filed February 15, 2007, at Exhibit E.

<sup>5</sup> *DTV Build-Out Use or Lose Deadlines*, 22 FCC Rcd 9750 (rel. May 18, 2007), at Appendix C.