



Federal Communications Commission  
Washington, D.C. 20554

March 3, 2006

**DA 06-519**

**Released: March 3, 2006**

Christian Faith Broadcast, Inc.  
c/o Joseph M. Di Scipio  
Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, VA 22209

Gentlemen:

This grants your Petition To Accept Late-Filed FCC Form 381 for digital television stations WGGN-TV, Sandusky, Ohio, and WLLA (TV), Kalamazoo, Michigan to the extent described below.

All digital television licensees were required to file FCC Form 381 certifying to final technical standards (replication or maximization facilities) by November 5, 2004. Stations failing to file the appropriate form were assigned replication facilities. Because you did not file the appropriate certifications for Stations WGGN-TV and WLLA (TV), the stations were assigned replication facilities. On March 29, 2005, you filed a petition to accept late-filed FCC Form 381 for Station WGGN-TV. Your petition was supplemented on October 31, 2005 to include station WLLA (TV).

The certification process is a critical part of the DTV election process. Licensees electing their final digital channels must be able to identify facilities requiring protection and make informed decisions. Licensees relied on the Commission's assignment of replication facilities to WGGN-TV and WLLA (TV) in making their channel elections during the first two rounds of DTV channel elections. We do not believe it would serve the public interest to require stations that properly participated in the DTV election process and relied upon the default election assigned to the stations by the Commission to protect the maximized facilities of WGGN-TV and WLLA (TV). Nor would it serve the public interest to require such protection but delay the election process to permit other stations to reevaluate the elections they made.

We have reviewed your petition, as supplemented, and attached engineering exhibits, however, and conclude that some limited relief would be consistent with the public interest. We have concluded that the public interest would be served by allowing you to construct authorized maximized facilities for Stations WLLA (TV) and WGGN-TV and by protecting those facilities to the extent that they do not create interference to stations that have received DTV channel designations in rounds 1 and 2 of the DTV election process. Please note that, in order to avoid the risk of being required to reduce constructed facilities at the end of the transition, you must

complete an engineering analysis for both stations to determine the impact, if any, on all channel designations from the completed election rounds. Further, you will be required to accept interference from any of these channel designations and inform the Commission of any service loss.

We also will protect your maximized facilities in connection with the channel elections made by other licensees during round 3 of the process. To accomplish this, within 10 days after the round 3 channel election date, you are required to notify the Video Division staff by letter, accompanied by applicable engineering studies, if any licensees participating in the third round of the channel election process will receive impermissible interference from your maximized facilities, or if your facilities will receive impermissible interference from another station. Should interference be predicted, we will work with WLLA (TV), WGGN-TV and similarly situated stations to reach an equitable solution to assign them a channel consistent with the Second DTV periodic review. Additionally, upon completion of the third round DTV election process, we will review the maximized facilities for both WLLA (TV) and WGGN-TV to determine whether there is an impact on the facilities to be proposed in the final list of DTV channel designations. If WLLA (TV) and WGGN-TV maximized facilities protect all stations associated with round 1 and 2 channel elections, we propose to include your maximized facilities in the final DTV Table of Allotments.

We believe that the approach outlined above allows Stations WLLA (TV) and WGGN-TV to construct maximized facilities and, at the same time, protects the integrity of the digital channel election process. Accordingly, your petition is GRANTED to the extent indicated herein.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau