



Federal Communications Commission
Washington, D.C. 20554

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1800E3-JLB

WWAZ License, LLC
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875 15th Street, N.W.
Washington, D.C. 20005

Re: WWAZ-TV, Fond du Lac, Wisconsin
Facility ID No. 60571

Dear Licensee:

WWAZ License, LLC ("WWAZ"), the licensee of analog television station WWAZ-TV, NTSC Channel 68, and permittee of digital television station WWAZ-DT, DTV Channel 44, Fond du Lac, Wisconsin, has requested Commission authority to: (i) cease analog broadcasting on NTSC Channel 68 and surrender its license for the channel prior to the end of the DTV transition period; and (ii) thereafter operate WWAZ-DT as a single channel, digital-only television station on DTV Channel 44. WWAZ's proposal appeared on public notice on January 15, 2008.¹ As explained in more detail below, we grant WWAZ's request, subject to certain conditions.

WWAZ's request was submitted pursuant to the voluntary band-clearing mechanisms adopted by the Commission to facilitate the clearing of channels 60-69. In the *Upper 700 MHz MO&O and FNRPM*, the Commission established a rebuttable presumption that, in certain circumstances, substantial public interest benefits will arise from a voluntary agreement between a 700 MHz licensee and an incumbent broadcast licensee on Channels 60-69 that clears the 700 MHz band of incumbent television licensee(s). In particular, this favorable presumption attaches to any requests that: (1) would make new or expanded wireless service, such as '2.5' or '3G' services, available to consumers; (2) would clear commercial frequencies that enable provision of public safety services; or (3) would result in the provision of wireless service to rural or other underserved communities. The applicant would also need to show that grant of the request would not result in any one of the following: (1) the loss of any of the four stations in the designated market area (DMA) with the largest audience share; (2) the loss of the sole service licensed to the local community; or (3) the loss of a community's sole service on a channel reserved for noncommercial educational broadcast service. See *Upper 700 MHz MO&O and FNRPM*, 15 FCC Rcd 20845, 20870-71 (2000). The Commission further indicated that when this presumption is not established, or is rebutted, it would review regulatory requests by weighing the loss of broadcast service and the advent of new wireless service on a case-by-case basis. *Id.* at 20869-71.

In support of its request to voluntarily vacate NTSC Channel 68, WWAZ asserts that early return will serve the public interest because it would clear commercial spectrum that would enable public safety

¹ See *Media Bureau Receives Request by Analog Television Station in the Upper 700 MHz Band to Cease Analog Broadcasting, Surrender NTSC License, and Operate as a Single Channel, Digital-Only Television Station*, 23 FCC Rcd 355 (MB 2008).

use of that spectrum in Wisconsin and Illinois. WWAZ submits letters from four public safety agencies serving Wisconsin and Illinois expressing their interest in immediately occupying Channel 68, which is specifically designated for public safety use. In addition, channel 68 is adjacent to the Upper 700 MHz Block B Guard Band, which was distributed through Auction 33, and vacating channel 68 will reduce interference to the Block B Guard Band spectrum.

WWAZ acknowledges that the early return of its NTSC channel will result in loss of analog service from the sole channel allotted to Fond du Lac, but contends that the impact on the public will be imperceptible. WWAZ-TV is not one of the top four rated stations in the DMA, and there are 28 other analog and digital television stations serving portions of the station's coverage area, so that loss of the station would not leave any persons living within the WWAZ-TV Grade B contour will fewer than five alternative full-power analog or digital television signals. In addition, WWAZ-DT is presently operating pursuant to an STA and viewers in Fond du Lac will continue to be able to view that signal with the necessary DTV reception equipment.

While WWAZ has not met all of the factors necessary to come within the rebuttable presumption, we believe the public interest would be served by permitting WWAZ to surrender its license for NTSC Channel 68 and operate digital-only operations on DTV Channel 44. Accordingly, WWAZ's request IS GRANTED, subject to the following conditions. Prior to permanently discontinuing analog service and surrendering its NTSC license, we expect WWAZ to supply all cable systems carrying its digital signal with the conversion equipment necessary to translate WWAZ-DT's signal to an analog signal. In addition, to promote the public interest and consistent with the requirements adopted in the *Third DTV Periodic Review Report and Order*,² WWAZ must comply with the following viewer notification requirements: The station must air viewer notifications on its analog and DTV facilities every day on-air at least four times a day including at least once in primetime for a 60-day period prior to the termination of the analog signal. These notifications must include: (1) the station's call sign and community of license; (2) the fact that the station intends to terminate its analog operations before the transition date; (3) the expected date of analog termination; (4) what viewers can do to continue to receive the station, i.e., how and when the station's digital signal can be received, and whether viewers will need to repeat the channel scan on their DTV receivers; (5) information about the availability of digital-to-analog converter boxes in their service area; and (6) the street address, email address (if available), and phone number of the station where viewers may register comments or request information

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

² *In the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, FCC 07-228 (released December 31, 2007).