



Federal Communications Commission
Washington, D.C. 20554

DA 08-2429
Released: October 31, 2008
1800E3-JLB

F. William LeBeau, Esq.
NBC Telemundo License Co.
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Re: MB Docket No. 05-317

Dear Mr. LeBeau:

By letter dated August 15, 2008, NBC Telemundo License Co. {"NBC"}, the permittee of WNBC-DT, New York, New York, requested renewal of its waiver of Section 339(a)(2)(D) of the Communications Act of 1934, as amended, to prohibit satellite subscribers from receiving or conducting a digital signal strength test of WNBC-DT's digital signal.¹ The Commission granted the original digital signal testing waiver based on the fact that the station's digital signal coverage was limited by force majeure, when the station's transmitter site was destroyed in the terrorist attack that destroyed the World Trade Center on September 11, 2001.² The Commission has granted three six-month extensions.³ In its most recent extension request, NBC states that the Freedom Tower, which is to be built at the site of the destroyed World Trade Center, has not yet been constructed.

Accordingly, IT IS ORDERED that the request of NBC IS GRANTED and the first permissible date for digital testing for WNBC-DT IS EXTENDED six months, from October 31, 2008 to April 30, 2009. While NBC has filed an application for a construction permit for a digital facility at the proposed Freedom Tower site,⁴ it appears unlikely that the construction of the Freedom Tower and the facility proposed in NBC's pending application will be completed by April 30, 2009. If a further extension is needed, a request must be filed by February 17, 2009, with oppositions filed with the Commission and served on the relevant parties by February 27, 2009, and replies no later than March 6, 2009.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹ See 47 U.S.C. § 339 (a)(2)(D)(viii), as amended by Section 207 of the Satellite Home Viewer Extension and Reauthorization Act of 2004 ("SHVERA"), 47 U.S.C. § 339.

² See *Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004*, 21 FCC Rcd 4812, 4821 (2006). NBC is currently operating a reduced DTV operation from the Empire State Building.

³ See *NBC Telemundo License Co., c/o F. William LeBeau, Esq.*, 23 FCC Rcd 7079 (2008).

⁴ File No. BPCDT-20080620ADL.