

# **Federal Communications Commission**

**FCC MB - CDBS Electronic Filing**

**Account number: 895051**

**Description: WBOY ANALOG TERMINATION NOTIFICATION**

**Application Reference Number: 20090115AVP**

**Successfully filed at Jan 15 2009 10:12PM**

**Based on the information supplied, no fee is required.**

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0386 (July 2002)	FOR FCC USE ONLY
<b>Legal STA</b>		FOR COMMISSION USE ONLY
Read Instructions/FAQ before filling out form		FILE NO. - 20090115AVP

**Section I - General Information**

1.	Legal Name of the Applicant WEST VIRGINIA MEDIA HOLDINGS, LLC		
	Mailing Address P.O. BOX 11848		
	City CHARLESTON	State or Country (if foreign address) WV	Zip Code 25339 -
	Telephone Number (include area code) 3047206528		E-Mail Address (if available) CDUSIC@WVMH.COM
	FCC Registration No 0005921689	Call Sign WBOY-TV	Facility ID Number 71220
2.	Contact Representative (if other than licensee/permittee) ELLEN MANDELL EDMUNDSON, ESQ.	Firm or Company Name COHN AND MARKS LLP	
	Mailing Address 1920 N STREET, NW - SUITE 300		
	City WASHINGTON	State or Country (if foreign address) DC	ZIP Code 20036 -
	Telephone Number (include area code) 2024524825		E-Mail Address (if available) ELLEN.EDMUNDSON@COHNMARKS.COM
3.	Purpose:		
	<input type="radio"/> Engineering STA		
	<input type="radio"/> Extension of Existing Engineering STA		
	<input checked="" type="radio"/> Legal STA		
	<input type="radio"/> Extension of Existing Legal STA		
4.	Service: TV		

5.	Community of License: City: CLARKSBURG State: WV	
6.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial Educational Licensee/Permittee <input checked="" type="radio"/> Other DTV TRANSITION NOTICE <input type="radio"/> N/A (Fee Required)	
7.	Please explain in detail the "extraordinary circumstances" which warrant temporary operations at variance from the Commission's Rules. In addition, please specify 1) the specific rules and/or policies from which the applicant seeks temporary relief; 2) how the public interest will be furthered by grant; and 3) the expected duration of the STA and the licensee's plan for restoration of licensed operation.	[Exhibit 38]
8.	Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing ALBERT BRAY CARY, JR.	Typed or Printed Title of Person Signing PRESIDENT AND CEO
Signature	Date (mm/dd/yyyy) 1/15/2009

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

**Exhibits**

**Exhibit 38**

**Description:** ANALOG TERMINATION NOTIFICATION

THE PURPOSE OF THIS SUBMISSION IS TO NOTIFY THE COMMISSION THAT WBOY-TV, CLARKSBURG, WV (FAC. ID NO. 71220) WILL PERMANENTLY TERMINATE ANALOG OPERATION ON FEBRUARY 17, 2009. THIS SUBMISSION IS FILED OUT OF AN ABUNDANCE OF CAUTION, PURSUANT TO THE PROCEDURES SET FORTH AT PARAGRAPH 133 OF THE REPORT AND ORDER, THIRD PERIODIC REVIEW OF THE COMMISSIONS RULES AND POLICIES AFFECTING THE CONVERSION TO DIGITAL TELEVISION, 23 FCC RCD 2994 (2007) (THIRD PERIODIC REVIEW), IN THE EVENT CONGRESS ENACTS LEGISLATION THAT WOULD DELAY THE CURRENT STATUTORY DTV TRANSITION DEADLINE OF FEBRUARY 17, 2009. THIS NOTIFICATION IS BEING FILED MORE THAN 30 DAYS IN ADVANCE OF FEBRUARY 17, 2009, THE DATE ON WHICH ANALOG OPERATION OF WBOY-TV WILL BE TERMINATED.

THE TERMINATION OF THE ANALOG SERVICE OF WBOY-TV IS NECESSARY IN ORDER TO COMPLETE THE CONSTRUCTION OF THE STATIONS POST-TRANSITION DIGITAL FACILITY. BY ORDER, DTV BUILD-OUT: REQUESTS FOR WAIVER OF USE OR LOSE DEADLINES, 22 FCC RCD 9750 AT PARA. 93 (2007), THE COMMISSION RECOGNIZED THE STATUS OF WBOY-TV AS A STATION FACING A UNIQUE TECHNICAL CHALLENGE. ALTHOUGH WBOY-TV PRESENTLY PROVIDES ANALOG SERVICE ON CHANNEL 12 AND PRE-TRANSITION DIGITAL SERVICE ON CHANNEL 52, THE STATION WILL USE CHANNEL 12, ITS CURRENT ANALOG CHANNEL, FOR ITS POST TRANSITION DIGITAL OPERATION. THE STATION WILL USE THE TOP-MOUNTED ANTENNA CURRENTLY USED IN THE ANALOG OPERATION OF WBOY-TV ON CHANNEL 12 FOR POST-TRANSITION DIGITAL OPERATION ON CHANNEL 12. THEREFORE, TERMINATION OF THE STATIONS ANALOG OPERATION ON CHANNEL 12 MUST OCCUR BEFORE THE STATION CAN COMPLETE ITS TRANSITION TO DIGITAL OPERATION ON CHANNEL 12.

THE STATION FURTHER WISHES TO NOTE THAT POWER MODULES FROM THE STATIONS CURRENT TRANSMITTER WILL BE RE-PURPOSED FOR THE DTV TRANSMITTER THAT WILL BE USED POST-TRANSITION BY CO-OWNED STATION WOWK-TV (FAC. ID NO. 23342). THEREFORE, TERMINATION OF THE ANALOG OPERATION OF WBOY-TV MUST OCCUR BEFORE WOWK-TV CAN COMPLETE ITS DIGITAL TRANSITION.

THE STATION WILL PROVIDE THE ADVANCE VIEWER NOTIFICATIONS OF THE FEBRUARY 17, 2009 TERMINATION OF THE STATION'S ANALOG OPERATIONS REQUIRED AT PARAGRAPH 134 OF THE THIRD PERIODIC REVIEW.

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**Attachment 38**

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