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March 10, 2005

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MAR 10 2005

Federal Communications Commission
Office of SecretaryMarlene H. Dortch, Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, DC 20554Re: Station WACX
Facility ID No. 60018
Leesburg, FL

Dear Ms. Dortch:

On behalf of Associated Christian Television System, Inc. ("ACTS"), licensee of analog television station WACX, NTSC Channel 55, and permittee of digital television station WACX-DT, DTV Channel 40, Leesburg, Florida, this will request Commission authority to: (i) cease analog broadcasting on NTSC Channel 55 as of March 31, 2006; and (ii) thereafter operate WACX-DT as a single channel digital-only television station on DTV Channel 40. WACX-DT is currently operating on Channel 40 pursuant to Special Temporary Authority at reduced power. It expects to commence operation with full power, as authorized by BMPCDT-20050214ACN, later this year.

In its *Report and Order* in GN Docket No. 01-74 (*Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, 17 FCC Red 1022 (2002)), the Commission adopted the reallocation of the 598-746 MHz spectrum from use by television broadcasters to new use on a flexible basis. The Commission also stated that it would consider requests by incumbent broadcasters on Channels 52-59 to voluntarily vacate their NTSC channels prior to the end of the DTV transition on a case-by-case basis, considering all relevant public interest factors.

The *Report and Order* and decisions with respect to early termination of NTSC broadcasting have identified the relevant factors to be (1) whether grant of the request would make new or expanded wireless services available to consumers; (2) whether grant

Marlene H. Dortch, Secretary
Federal Communications Commission
March 10, 2005
Page 2

would result in the loss of any of the four stations in the DMA with the largest audience share, or the loss of the community's sole noncommercial educational television service; and (3) whether grant would have a negative effect on the pace of the DTV transition in that market.

Grant of the instant request would make the Channel 55 spectrum available to QUALCOMM, Incorporated ("QUALCOMM"). Unlike the situation in *KJLA, LLC*, DA 05-343, dated February 9, 2005, the Channel 55 spectrum has already been auctioned.

QUALCOMM, headquartered in San Diego, is the licensee of six Economic Area Grouping (EAG) licenses in the Lower 700 MHz band (Channel 55, Block D), which are regulated under Part 27 of the FCC's rules. QUALCOMM purchased five of these licenses in FCC Auction 49 and one in a private transaction from the Auction 44 winner. The call signs of QUALCOMM's six EAG licenses are as follows: WPZA235, WPZA236, WPZA237, WPZA238, WPZA239 and WPWU989.

QUALCOMM's wholly-owned subsidiary, MediaFLO USA, Inc., is in the process of deploying and operating a nationwide network using these frequencies to offer a "medicast" service comprised of many channels of high-quality multimedia content, to third generation wireless phones. The MediaFLO service will be offered as a shared resource for the commercial mobile radio service operators, enabling them to deliver a wide range of mobile, interactive multimedia content to their subscribers.

MediaFLO USA, Inc. is currently conducting trials of its new FLO (Forward Link Only) technology in San Diego, California under an experimental license on Channel 53, and will be expanding its trials to Denver, Colorado on Channel 55 later in 2005. Commercial MediaFLO service is expected in the third quarter of 2006 in many markets across the country.

Attached hereto is a letter from Dean R. Brenner, QUALCOMM's Senior Director of Government Affairs, verifying that the statements made herein with respect to QUALCOMM are true and correct.

Under Part 27 of the FCC's rules, new lower 700 MHz licensees, such as QUALCOMM, are allowed to offer service using their licensed frequencies so long as they are not causing harmful interference to incumbent TV and DTV stations during the DTV transition. In reaching an early band clearing agreement with ACTS, MediaFLO USA, Inc. will be able to offer these new mobile multimedia services to the millions of wireless consumers in the Orlando market and surrounding areas as part of its initial commercial launch.

Marlene H. Dortch, Secretary
Federal Communications Commission
March 10, 2005
Page 3

The Nielsen DMA Market Atlas lists 16 television stations in the Orlando-Daytona Beach-Melbourne, FL DMA. They are: WESH, Daytona Beach, Channel 2 (NBC); WKMG-TV, Orlando, Channel 6 (CBS); WFTV, Orlando, Channel 9 (ABC); *WCEU, New Smyrna Beach, Channel 15 (ETV); WKCF, Clermont, Channel 18 (IND); *WMFE-TV, Orlando, Channel 24 (ETV); WVEN-TV, Daytona Beach, Channel 26 (Univision); WRDQ, Orlando, Channel 27 (IND); WOFL, Orlando, Channel 35 (Fox); WOTF-TV, Melbourne, Channel 43 (TeleFutura); *WLCB-TV, Leesburg, Channel 45 (ETV); WTGL-TV, Cocoa, Channel 52 (IND); WACX, Leesburg, Channel 55 (IND); WOPX, Melbourne, Channel 56 (PAX TV); WRBW, Orlando, Channel 65 (UPN); *WBCC, Cocoa, Channel 68 (ETV).

The WACX market share in the DMA is far from the top four. It is carried on cable systems in the DMA, as well as on DirecTV and DISH. 2003 cable penetration in this DMA was 76%.

Grant of this request will not result in the loss of the sole noncommercial educational television station in the community. Station WLCB-TV, operating on NTSC Channel 45, will continue to be a non-commercial educational television station. The WLCB-TV licensee has also been authorized to operate on DTV Channel 46, although that facility is not yet on the air.

Finally, grant of this request will have no negative effect on the pace of the DTV transition in the market. If there is any effect, it should be to encourage the pace of the transition since those off-air viewers, although they may be relatively few, who will not be able to view Channel 55 may be inclined to purchase digital receivers.

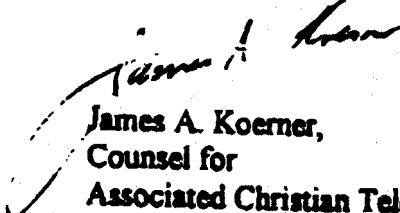
In keeping with requirements imposed with respect to previous requests, ACTS will accommodate all cable systems carrying its digital signal so that they can translate the WACX-DT signal to an analog signal. ACTS will also broadcast announcements informing viewers of its intent to change to digital-only operations.

The above demonstrates that the criteria for allowing the early termination of analog broadcasting, and the transition to digital-only broadcasting have been met in this instance. Accordingly, it is respectfully requested that the instant request be granted, and that ACTS be permitted to cease broadcasting on NTSC Channel 55 as of March 31, 2006, and thereafter broadcast only on DTV Channel 40.

**Marlene H. Dortch, Secretary
Federal Communications Commission
March 10, 2005
Page 4**

**Should additional information be necessary in connection with this matter, please
communicate with this office.**

Very truly yours,



**James A. Koerner,
Counsel for
Associated Christian Television System, Inc.**

**Cc: Jennifer McCarthy (via email)
Dean Brenner (via email)
Claud Bowers (via email)**

QUALCOMM Incorporated

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March 9, 2005

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Station WACX (TV)
Facility ID No. 60018
Leesburg, FL

Dear Ms. Dortch:

On behalf of QUALCOMM Incorporated ("QUALCOMM"), I am writing in connection with a request (the "Request") by Associated Christian Television System, Inc. ("ACTS"), licensee of analog TV station WACX, NTSC Channel 55, and permittee of DTV station WACX-DT DTV Channel 40, Leesburg, FL to: (i) cease analog broadcasting on NTSC Channel 55 as of March 31, 2006; and (ii) thereafter operate WACX-DT as a single channel digital-only television station on DTV Channel 40.

ACTS states that a grant of the Request would make the Channel 55 spectrum available to QUALCOMM, which holds licenses for the channel (Block D in the Lower 700 MHz Band) covering the area served by WACX along with the rest of the nation, so that QUALCOMM's wholly-owned subsidiary, MediaFLO USA, Inc., can use the spectrum to deploy and operate a network to offer a "mediacast" service to deliver many channels of high-quality multimedia content to third generation wireless phones. These statements, along with the other statements in the Request relating to QUALCOMM, are true and correct.

A grant of the Request as expeditiously as possible will greatly assist QUALCOMM's efforts to launch its innovative MediaFLO network. The Commission staff should contact me if any additional information is needed in the course of processing the Request.

Respectfully submitted,

/s/ Dean R. Brenner

Dean R. Brenner
Senior Director, Government Affairs
QUALCOMM Incorporated