

In 1999, Lehigh Valley Community Broadcasters Association (“Lehigh”) filed an application to upgrade WDIY (BPED-19990823IA). The licensee of WPVI-TV, Channel 6, Philadelphia, Pennsylvania opposed the grant of Lehigh’s application on grounds that the proposed WDIY facilities would violate Section 73.525 of the Commission’s Rules, which protects channel 6 television stations from potential interference by noncommercial FM stations. The WDIY application was dismissed by the Media Bureau in a letter ruling dated February 16, 2005. Lehigh first sought reconsideration of the staff ruling and subsequently filed an application for review in March 2007. That Application for Review remains pending. By granting its consent to the grant of the instant application, WPVI-TV will graciously remove a longstanding obstacle to the expansion of WDIY’s service area.

Upon grant of this application, Lehigh asks that the Commission dismisses its pending Application for Review. To the extent necessary, Lehigh requests a waiver of Section 73.3518 of the Commission’s Rules to permit the processing and grant of this application while its Application for Review is pending.