

WOOD, MAINES & BROWN

CHARTERED

ATTORNEYS AT LAW

1827 JEFFERSON PLACE, N.W.

WASHINGTON, D.C. 20036

BARRY D. WOOD
RONALD D. MAINES
PAUL H. BROWN
STUART W. NOLAN, JR.*

TELEPHONE - (202) 293-5333
FACSIMILE - (202) 293-9811
E-MAIL - WMB@WMBLAW.ORG

*Admitted in Virginia only

August 8, 2000

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: William R. Varecha
Application for Construction Permit
Experimental Broadcast Station

Dear Mrs. Salas:

William R. Varecha, by counsel, hereby submits the attached Application for Authority to Construct an Experimental Broadcast Station, on FCC Form 442. The applicant's proposal involves an exciting new means of using portions of the electronic spectrum in a more efficient manner than conventional terrestrial single-channel broadcasting.

Essentially the same application was filed on April 21, 2000. However, the highly unique service contemplated therein did not appear to fall within the jurisdiction of any one of the Commission's subdivisions. Accordingly, counsel submitted the application in letter form and addressed it to the Secretary (•April 21 Letter•). A copy of the April 21 Letter is attached hereto as Exhibit A.

The FCC has not yet taken any action with respect to the April 21 Letter application. Counsel for the applicant has made numerous attempts to ascertain which office at the Commission has the April 21 application, but all such attempts have proven unsuccessful. From all indications, it appears that the April 21 Letter has been misplaced.

In connection with counsel's efforts to ascertain the status of the April 21 Letter, the applicant has sought guidance from the Commission's staff as to which subdivision of the agency would process this proposal. Only recently was counsel informed that the Office of Engineering and Technology should receive this application.

Magalie Roman Salas, Secretary
August 8, 2000
Page 2

In view of these highly unusual circumstances, we request that the Commission accept the instant application *nunc pro tunc* as of April 21, 2000.

Exhibit B includes an engineering exhibit in addition to the materials which had been included with the April 21 Letter. In the event the Commission accepts the instant application *nunc pro tunc*, the new materials should be treated as an amendment to the April 21 application.

Additional engineering support for the instant proposal is currently being assembled. The applicant will file an amendment supplementing the engineering information in Exhibit B as soon as possible. At that time, the applicant intends to offer more specific details with respect to the proposed service, as well.

Finally, as explained in the April 21 Letter, the applicant proposes to offer in numerous markets the service contemplated herein. However, where an electronic filing of FCC Form 442 requires information specific to a particular market, information relating to providing service in Grand Junction, Colorado, has been provided. As explained above, the applicant intends to supplement this application with additional engineering data as soon as possible.

Please call Stuart Nolan or Paul Brown of this firm, or the undersigned, if there are any questions regarding this matter.

Yours truly,

/s/

Barry D. Wood
Counsel for
William R. Varecha

k kb
enc.