

Request for Waiver of Section 73.3700(b)(1)(i)

Pursuant to Section 1.3 of the Commission's rules, West Central Ohio Broadcasting, Inc. ("Block"), licensee of WOHL-CD, Lima, Ohio, hereby requests a waiver of the Commission's July 12, 2017, post-auction construction permit application filing deadline as established by Section 73.3700(b)(1)(i) (the "Filing Deadline"). As shown herein, good cause exists for the Commission to grant Block additional time to file its post-auction construction permit application. Block cannot build its post-auction facilities as currently assigned because Block needs to find a new tower on which to locate WOHL. Block therefore seeks an "unable to construct" waiver of Section 73.3700(b)(1)(i).

WOHL currently is licensed to Channel 35 and has been reassigned to Channel 15 for permanent operations. The antenna for WOHL is currently located on a Block-owned tower that is on the same property as the station's main studio, offices, master control, transmitter and related equipment for WOHL and for its three other sister stations that are also co-located on the same tower (WLIO, WLQP-LP and WLMO-LP). WLQP-LP and WLMO-LP are both low power stations and full-power WLIO is not being repacked.

While the Block Lima studio location was in a rural area when the facilities were built in the mid-1960s, the City of Lima has expanded over the years and the studio buildings and approximately 500-foot broadcast tower that supports WOHL, WLIO, WLQP and WLMO is now surrounded by a residential suburban community (see Exhibit A). This makes any work on the current tower extremely challenging.

As the attached Declaration of Frederick Vobbe, Chief Engineer for WOHL, explains, Block has investigated what would need to be done to upgrade the current WOHL tower such that WOHL could remain on the tower after it moves to Channel 15. After consultation with a

tower contractor and an analysis by Malouf Engineering, two obstacles became evident. First, to upgrade the tower so that it could support four broadcast television stations and then conform with the 222-G tower standard, the current guy wires for the tower would need to be removed and new guy wires would need to be installed at a more gradual angle. This would necessitate that the guy wire anchors be installed across the street from the Block Lima studio on the adjoining residential properties.

Second, because the tower is old and located in a heavily populated area, best practices would be to evacuate the area in the tower's "fall radius" before attempting to undertake the extensive structural renovations needed to upgrade the tower to 222-G with its current load of four television broadcast stations. Including the station's 50-foot top mounted antenna, the "fall radius" around the tower would be approximately 550 feet. As the map in Exhibit A shows, evacuating a circle of 550 feet around the current WOHL tower would require numerous families across multiple city blocks to empty their homes. In addition, the Block Lima stations would also need to relocate their offices, main studio and all of their broadcast equipment to a temporary site for the four to eight week period the tower work would take. Block estimates that the cost of moving to a temporary location could approach \$6.4 million, making the move cost-prohibitive.

Because the current WOHL tower cannot safely or cost effectively be upgraded to the 222-G tower standard when considering the equipment load necessitated by accommodating four broadcast television stations, Block is exploring options to relocate its Lima stations to a new tower. Accordingly, Block seeks to construct alternative facilities for WOHL as designated in a construction permit application to be filed in the first priority window. *See, e.g., Exploring the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Report and*

Order, 29 FCC Rcd 6567 at ¶ 546 and ¶ 554 n. 1571 (2014) (“*Incentive Auction Report and Order*”) (“We anticipate that such stations [that will file construction permit applications in the first priority window] would include those that cannot submit a construction permit application for their assigned channel because they are unable to construct at their current tower site due to technical or legal issues.”); Incentive Auction Closing and Channel Reassignment Public Notice, *Public Notice*, DA 17-314 (rel. April 13, 2017) (“*Channel Reassignment Public Notice*”).

Block is currently is exploring options for alternative facilities for WOHL and will be ready to file its post-repack construction permit application in the first priority filing window. *See Channel Reassignment Public Notice* at ¶ 71. Block therefore requests that the Commission swiftly grant Block’s request for an “unable to construct” waiver of the Filing Deadline so that Block can devote its internal resources to finding a new tower for WOHL.