

EXHIBIT SUPPORTING WAIVER  
OF PHASE ASSIGNMENT, TESTING PERIOD, AND PHASE COMPLETION DATE

Tougaloo College seeks waiver of the post-Incentive Auction Transition Phase assignment, and corresponding testing dates and construction completion deadlines, for WLOO, Vicksburg, MS (Facility ID 84253) (“Station”). The Station has been assigned to Transition Phase 3, for which the Phase Completion Date is June 21, 2019. Tougaloo College seeks to transition the Station early, with expected transition completion on November 30, 2018 (the same date assigned to Phase 1 stations), with a testing period to commence immediately preceding said date.

The *Transition Scheduling PN* encouraged stations to propose “alternative transition solutions that could create efficiencies,” and held that a request to modify a station’s transition deadline — including by moving to an earlier phase — would be viewed favorably if the request is “otherwise compliant with [FCC] rules and [has] little or no impact on the phase assignments or transition schedule.”<sup>1</sup> As described below, Tougaloo College’s instant request qualifies for such favorable treatment.

The FCC may grant a waiver for good cause shown.<sup>2</sup> A waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>3</sup> In considering a waiver, the FCC may take into account considerations of hardship, equity, or more effective

---

<sup>1</sup> *Incentive Auction Task Force and Media Bureau Adopt a Post-Incentive Auction Transition Scheduling Plan*, Public Notice, MB Docket No. 16-306, GN Docket No. 12-268, ¶ 50, \*24 n.163 (rel. Jan. 27, 2017).

<sup>2</sup> 47 C.F.R. § 1.3.

<sup>3</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

implementation of overall policy on an individual basis.<sup>4</sup> Such a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.<sup>5</sup>

As demonstrated herein, good cause exists for waiver of the assigned Transition Phase and its attendant testing and completion dates. First, this proposal will serve the public interest by facilitating an orderly and efficient transition to more swiftly deliver new wireless broadband services to the public while minimizing impacts on broadcast television viewers and post-auction transition resources. It will also put otherwise idle repacking resources to use and reduce the demand on those resources in later phases when they may become constrained.

Second, no new interference will be created by the proposed early transition of Station beyond the permitted 2% transition period amount, and there will be no negative impact on other transitioning stations in the Station's linked station set. WLOO will coordinate with station KARD, West Monroe, LA (Facility ID 3658) and not transition before their transition is complete. A TV Study report is attached to this application.

Third, the proposed transition will not negatively impact the overall transition plan, but will in fact permit better utilization of resources by engaging vendors and service providers early in the process rather than have them overloaded further in the transition.

---

<sup>4</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

<sup>5</sup> *Northeast Cellular*, 897 F.2d at 1166.

Finally, Tougaloo College believes any disruption to viewers will be minimized. The Station recognizes that its request for an early transition may yield increase the total number of times a viewer may need to rescan equipment in order to receive all reassigned stations in a market.

However, the required public service announcements and crawls to notify the Station audience of the proposed transition and provide detailed instructions on the rescanning process, coupled with the Station's digital and social media outreach, will ensure that viewers will be well-informed of the transition.

In sum, grant of this waiver will facilitate a more effective and efficient implementation of the overall policy goals of the Incentive Auction and post-auction transition, and thus is in the public interest.