

REQUEST FOR WAIVER  
OF PHASE ASSIGNMENT, TESTING PERIOD, AND PHASE COMPLETION DATE

Nexstar Broadcasting, Inc. (“Nexstar”) seeks a waiver of the Post-Incentive Auction Transition Phase Assignment, and corresponding testing dates and construction completion deadlines, for WJKT(TV), Jackson, Tennessee, Facility ID 68519 (the “Station”). Pursuant to the *Closing and Reassignment Public Notice*, the Federal Communications Commission (“FCC”) assigned the Station to Transition Phase 8 and its associated Phase Completion Date of March 13, 2020.<sup>1</sup> Nexstar respectfully requests authority to transition the Station earlier – by or before June 1, 2018, with a testing period to commence immediately preceding the proposed transition date.

The *Transition Scheduling Adoption Public Notice* permitted 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>2</sup> As demonstrated below, Nexstar’s instant request qualifies for such favorable treatment.

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<sup>1</sup> *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (WTB & MB 2017) (*Closing and Channel Reassignment Public Notice*).

<sup>2</sup> *Incentive Auction Task Force and Media Bureau Adopt A Post-Incentive Auction Transition Scheduling Plan*, MB Docket No. 16-306 and GN Docket No. 12-268, 32 FCC Rcd 890, 913 ¶ 51 (MB 2017) (*Transition Scheduling Adoption Public Notice*), citing *Incentive Auction Task Force and Media Bureau Seek Comment on Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 31 FCC Rcd 10802 (MB 2016) (*Transition Scheduling Proposal Public Notice*).

The FCC may grant a waiver for good cause shown.<sup>3</sup> A waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>4</sup> In considering a waiver, the FCC may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>5</sup> Such a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.<sup>6</sup>

As demonstrated herein, good cause exists for waiver of the Station's Transition Phase 8 Assignment since the proposed accelerated Station transition will serve the public interest by expediting the delivery of new wireless broadband services to the public while minimizing viewer disruption and dissipation of post-auction transition resources. Specifically, if the Station is permitted to complete its transition early, T-Mobile, a winning bidder in the FCC's forward auction and a 600 MHz wireless licensee, will be able to deploy new competitive wireless broadband services to people of Jackson, Tennessee 21 months earlier than currently scheduled.

According to the attached engineering statement completed by du Treil, Lundin & Rackley, Inc. Consulting Engineers there are no cases of incoming (received) interference to the WJKT(TV) Channel 21 facility or outgoing (caused) interference to any other protected full-power or Class A television stations exceeding 0.5%, nor will any new pairwise (station-to-station) interference be created by the proposed early transition of the Station. As such, there is

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<sup>3</sup> 47 C.F.R. § 1.3.

<sup>4</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>5</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>6</sup> *Northeast Cellular*, 897 F.2d at 1166.

no impact on any linked station set or other transitioning stations. Furthermore, the proposed early transition will not create any pairwise interference or new linked station sets.

The proposed transition will further the overall transition plan. The proposed expedited, out of phase, transition will in fact permit a more efficient use of resources by engaging vendors and service providers earlier in the overall process rather than have them potentially overloaded at a later date in the transition.

As part of the current transition schedule, consumers will need to undertake one rescan within the Station's designated market area ("DMA"). Grant of the expedited transition of the Station will result in one additional rescan within the Jackson, TN DMA. The Commission determined that up to two non-sequential rescans will serve the goals of efficiently clearing DMAs while minimizing viewer disruption.<sup>7</sup> Because the proposed expedited transition will still be within the maximum of two rescans deemed to be in the public interest, grant of the instant waiver is appropriate. Nexstar pledges to act to further minimize any viewer disruption by increasing outreach education above and beyond the required once per day for 30 days of public service announcements and crawls to notify the Station audience of the proposed transition and provide detailed instructions on the rescanning process.

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<sup>7</sup> *Transition Scheduling Adoption Public Notice*, at ¶ 21.

Grant of the requested waiver will serve the public interest by facilitating a more effective and efficient reconfiguration of the remaining television spectrum while clearing the path for wireless companies to increase and improve broadband products and services. For the foregoing reasons, Nexstar hereby requests the FCC amend the current phase assignment for the Station and respectfully requests that the FCC authorize WJKT(TV) to complete its transition by or before June 1, 2018.

Respectfully submitted,

Nexstar Broadcasting, Inc.

By: 

Elizabeth Ryder  
EVP & General Counsel  
Nexstar Broadcasting, Inc.  
545 E. John Carpenter Freeway  
Suite 700  
Irving, TX 75062

November 7, 2017

# **ENGINEERING STATEMENT**

ENGINEERING STATEMENT  
SUPPORTING REQUEST FOR WAIVER  
TELEVISION STATION WJKT(TV)  
(FACILITY ID NO. 68519)  
JACKSON, TENNESSEE  
CHANNEL 21

Background

This statement was prepared on behalf of Nexstar Broadcasting, Inc. ('Nexstar'), licensee of WJKT(TV), in support of a request for waiver of the FCC's Phase Assignment, Testing Period, and Phase Completion Date for television station WJKT(TV), Jackson, Tennessee, in the Jackson DMA<sup>\*</sup>. WJKT(TV) is licensed for operation on RF Channel 39 with a nominal non-directional effective radiated power (ERP) of 392 kW and an antenna height above average terrain (HAAT) of 296 m.

As a result of the FCC's Incentive Auction repack process, the WJKT(TV) facility was reassigned to RF Channel 21. Nexstar holds a construction permit for operation on Channel 21 with a non-directional ERP of 193 kW and an antenna HAAT of 319 m.<sup>†</sup> A summary of the FCC engineering database information for the WJKT(TV) construction permit facility is attached hereto for reference.

In coordination with the wireless carrier, T-Mobile, Nexstar seeks a waiver of the FCC's Phase Assignment, Testing Period, and Phase Completion Date to allow WJKT(TV) to make the transition to Channel 21 earlier than its given phase transition date. This will facilitate the early deployment of new 600 MHz band wireless broadband services.

This statement demonstrates that WJKT(TV) can transition to Channel 21 before its assigned phase date without any disruption to the FCC's transition plans. Specifically, it is demonstrated that the operation of WJKT(TV) on Channel 21 as authorized in its construction permit will have no adverse interference consequences, either caused or received, under the current repack allocation environment.

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<sup>\*</sup> Nielsen Designated Market Area abbreviated as DMA.

<sup>†</sup> See FCC File No. 0000027712.

Assigned Phase

WJKT(TV) was assigned to transition Phase 8, with a testing begin date of January 18, 2020. This is based on the latest FCC Phase Assignment spreadsheet dated October 6, 2017.

Linked Station Sets and Linked Station Neighbor Stations

An inspection of the latest FCC Linked Station Set (LSS) and Linked Station Neighbor (LSN) spreadsheet databases indicates that the WJKT(TV) facility is not part of any LSSs or LSNs. These are based on the latest LSS and LSN spreadsheets available from the FCC, both dated July 3, 2017.

Interference Caused Analysis Under Current Allocation Environment

An interference analysis was conducted for the WJKT(TV) Channel 21 facility utilizing the latest version<sup>‡</sup> of the FCC's *TVStudy* coverage and interference analysis prediction software. The report of the results is attached hereto entitled 'Interference Caused Analysis for WJKT(TV) Channel 21 Facility Under Current Allocation Environment.'

The results of the analysis indicate that there are no cases of outgoing (caused) interference exceeding the normal 0.5% rounding tolerance level to any other protected full-power or Class A television stations now operating.

Interference Received Analysis Under Current Allocation Environment

An interference analysis specifically for the 'received case' of interference was conducted for the WJKT(TV) Channel 21 facility utilizing the aforementioned *TVStudy* prediction software. The report of the results is attached hereto entitled 'Interference Received Analysis for WJKT(TV) Channel 21 Facility Under Current Allocation Environment.' The purpose of this study is to evaluate all current environment records in the received interference analysis.

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<sup>‡</sup> *TVStudy* Version 2.2.3

The results of the analysis indicate that there are no cases of incoming (received) interference exceeding 0.5% to the WJKT(TV) Channel 21 facility.

Effects on Linked Station Sets

Based on these results, the transition of the WJKT(TV) facility to Channel 21 in advance of its phase transition date will not create any pairwise interference cases or new linked station sets.

Conclusion

It is concluded that the early transition of the WJKT(TV) facility on Channel 21 will not result in any interference cases, either caused or received, that would result in the creation or alteration of any linked station sets established in the Incentive Auction repack process.



Louis R. du Treil, Jr., P.E.

du Treil, Lundin & Rackley, Inc.  
3135 Southgate Circle  
Sarasota, Florida 34239

October 7, 2017



# INTERFERENCE CAUSED ANALYSIS FOR WJKT(TV) CHANNEL 21 FACILITY UNDER CURRENT ALLOCATION ENVIRONMENT

tvstudy v2.2.3 (Dxtpx3)

Database: localhost, Study: wjkt21pre4, Model: Longley-Rice

Study build station data: LMS TV 2017-10-03 (32)

Proposal: WJKT21PRE3 D21 DT CP JACKSON, TN  
File number: wjkt21pre3  
Facility ID: 68519  
Station data: User record  
Record ID: 1562  
Country: U.S.  
Zone: II

Build options:

Protect records not on baseline channel

Individual records excluded:

0000024945 WKYT-TV D21 DT CP LEXINGTON, KY BLANK0000024945  
0000028341 WTVW D22 DT APP \*P EVANSVILLE, IN BLANK0000028341  
0000028847 WZTV D20 DT CP NASHVILLE, TN BLANK0000028847  
0000028883 WRLW-CD D21- DC CP SALEM, IN BLANK0000028883  
0000029999 WTTD D21 DT CP HOMEWOOD, AL BLANK0000029999  
24914 WKYT-TV D21 DT BL LEXINGTON, KY DTVBL24914  
3661 WTVW D22 DT BL EVANSVILLE, IN DTVBL3661  
418 WZTV D20 DT BL NASHVILLE, TN DTVBL418  
55315 WRLW-CD D21 DC BL SALEM, IN DTVBL55315  
68519 WJKT D21 DT BL JACKSON, TN DTVBL68519  
74138 WTTD D21 DT BL HOMEWOOD, AL DTVBL74138

Stations affected by proposal:

Call	Chan	Svc	Status	City, State	File Number	Distance
WUXP-TV	D21	DT	LIC	NASHVILLE, TN	BLCDT20060414AAU	213.8 km

No non-directional AM stations found within 0.8 km

Directional AM stations within 3.2 km:

WCTA 810 L DAD D ALAMO, TN BL19830930AB

Record parameters as studied:

**Channel: D21**

Latitude: 35 47 27.00 N (NAD83)  
Longitude: 89 5 58.00 W  
Height AMSL: 422.2 m  
HAAT: 319.0 m  
Peak ERP: 193 kW  
Antenna: Omnidirectional  
Elev Pattn: Generic  
Elec Tilt: 0.8

39.5 dBu contour:

Azimuth	ERP	HAAT	Distance
0.0 deg	193 kW	328.4 m	88.7 km
45.0	193	319.8	87.7
90.0	193	310.8	86.6
135.0	193	310.1	86.6
180.0	193	316.6	87.3
225.0	193	326.6	88.5
270.0	193	321.3	87.9
315.0	193	318.3	87.5

Distance to Canadian border: 852.9 km

Distance to Mexican border: 1314.1 km

Conditions at FCC monitoring station: Powder Springs GA

Bearing: 117.0 degrees Distance: 453.1 km

Proposal is not within the West Virginia quiet zone area

Conditions at Table Mountain receiving zone:

# INTERFERENCE CAUSED ANALYSIS FOR WJKT(TV) CHANNEL 21 FACILITY UNDER CURRENT ALLOCATION ENVIRONMENT

Bearing: 293.7 degrees    Distance: 1490.3 km

No land mobile station failures found

Study cell size: 2.00 km  
Profile point spacing: 1.00 km

Maximum new IX to full-service and Class A: 0.50%  
Maximum new IX to LPTV: 2.00%

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Interference to BLCDT20060414AAU LIC, scenario 1

	Call	Chan	Svc	Status	City, State	File Number	Distance
Desired:	WUXP-TV	D21	DT	LIC	NASHVILLE, TN	BLCDT20060414AAU	
Undesireds:	WJKT21PRE3D21	D21	DT	CP	JACKSON, TN	wjkt21pre3	213.8 km
	WCTE	D22	DT	LIC	COOKEVILLE, TN	BLEDT20110413ACS	130.5

	Service area	Terrain-limited	IX-free, before	IX-free, after	Percent New IX
	33232.6    2,316,872	32320.9    2,305,293	31719.3    2,276,719	31414.1    2,273,232	0.96 <span style="background-color: yellow;">0.15</span>
Undesired		Total IX	Unique IX, before	Unique IX, after	
WJKT21PRE3	D21 DT CP	329.3	4,539	305.2    3,487	
WCTE	D22 DT LIC	601.6	28,574	577.4    27,522	

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# INTERFERENCE RECEIVED ANALYSIS FOR WJKT(TV) CHANNEL 21 FACILITY UNDER CURRENT ALLOCATION ENVIRONMENT

tvstudy v2.2.3 (Dxtpx3)

Database: localhost  
 Station Data: LMS TV 2017-10-03 (32)  
 Study: LMS\_IX\_Chk  
 Model: Longley-Rice  
 Scenario: wjkt\_1

Desired station	Service area	Terrain-limited	Interference-free
Undesired station	Total interference	Unique interference	
WJKT21PRE3 D21 DT CP JACKSON, TN	24143.4	655,780	24063.3 655,373 23828.9 651,055
KTEJ D20 DT LIC JONESBORO, AR	4.0	16	4.0 16 (0.00%)
KBSI D22 DT LIC CAPE GIRARDEAU, MO	23.9	798	23.9 798 (0.12%)
WBII-CD D20 DC LIC HOLLY SPRINGS, MS	150.4	2,736	150.4 2,736 (0.42%)
WUXP-TV D21 DT LIC NASHVILLE, TN	56.2	768	56.2 768 (0.12%)

## **VENDOR LETTERS**



Dielectric. LLC  
22 Tower Road  
Raymond, ME 04071  
1-800-341-9678

Nexstar Broadcasting  
545 E. John Carpenter Fwy.  
Irving, TX 75062  
Attn: Brett Jenkins,  
Vice President, Engineering

Re: WJKT-TV JACKSON, TN - Repack Transition

October 27, 2017

Mr. Jenkins,

It is Dielectric's understanding that WJKT is requesting FCC authorization to transition from Channel 39 to repacked Channel 21, earlier than its assigned Phase 8.

This letter is to confirm that efforts by Dielectric to complete equipment for WJKT's earlier transition will not impair Dielectric's ability to construct and supply equipment for other early phase stations to complete their transition during their assigned phases.

Kindest regards,

Christine Zuba

Christine Zuba  
National Sales

Cc: Jay Martin, VP Sales



**ROHDE & SCHWARZ**

Rohde & Schwarz USA, Inc.  
6821 Benjamin Franklin Drive  
Columbia, MD 21046-2265

November 2, 2017

WJKT  
Mr. Brett E. Jenkins  
Senior Vice President, Chief Technology Officer

Subject: Earlier Transition Impact on Rohde & Schwarz

Project: WJKT

Dear Mr. Brett E. Jenkins,

Rohde & Schwarz USA is aware that NexStar, station WJKT is in the process of requesting a waiver and/or Special Temporary Authorization to perform the transition of WJKT to an earlier Phase.

This letter is to confirm that the earlier transition of WJKT will not impair the ability of Rohde & Schwarz to provide the required transmitter and resources to early phase stations to complete their own transitions.

You, NexStar and your staff at WJKT are permitted to share this letter with the FCC, as required.

Sincerely,

Erik Balladares  
Vice President – Broadcast & Media