

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

WLOX License Subsidiary, LLC seeks waiver of the post-Incentive Auction Transition Phase assignment, and corresponding testing dates and construction completion deadlines, for WLOX, Biloxi-Gulfport, MS (Facility ID No. 13995) (“Station”). The Station has been assigned to Transition Phase 8, for which the Phase Completion Date is March 13, 2020. WLOX License Subsidiary, LLC seeks to transition the Station early, with expected transition completion on or before August 31, 2018, with a testing period to commence immediately preceding said date.

The Transition Scheduling 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.”¹ As demonstrated below, WLOX License Subsidiary, LLC’s instant request qualifies for such favorable treatment.

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

¹ *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 PN”).

² 47 C.F.R. § 1.3.

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

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

As demonstrated herein, good cause exists for waiver of the assigned Transition Phase and its attendant testing and completion dates because it 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. Specifically, if Station is permitted to complete its transition early, T-Mobile a winning 600 MHz wireless licensee will be able to deploy new competitive wireless broadband service to people of the Biloxi-Gulfport market a full 18 months earlier than scheduled.

Interference. The Station has undertaken an engineering analysis. No new interference will be created by the proposed early transition of the Station beyond the permitted 2% transition period amount. Please see attached interference analysis from du Treil, Lundin, & Rackley, Inc.

Interference Received: The proposed early transition will result in the Station receiving 4.5% new interference from Station WSRE (Channel 31). In the Transition PN, the Commission determined that allowing temporary pairwise (station-to-station) interference of up to two percent (2%) during the transition is in the public interest.⁶ The proposed new interference is

⁴ *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.

⁵ *Northeast Cellular*, 897 F.2d at 1166.

⁶ Transition PN at ¶ 16.

over the allowable threshold, but it will be temporary, as it will resolve upon the transition of Station WSRE (Phase 7) to its new channel. The Station agrees to accept this temporary predicted interference received to facilitate the early transition of WLOX to Channel 32. Moreover, by accepting this temporary predicted interference received from the WSRE facility, the WLOX facility (presently not part of a link station set) will not create any new linked station sets.

Impacts to Transition Plan. The proposed transition will permit better utilization of resources by engaging vendors and service providers early in the process rather than have them potentially overloaded further in the overall transition. WLOX License Subsidiary, LLC has consulted with equipment manufacturers, vendors, site lessor, engineers, and tower crews to ensure an orderly early transition. The vendors have indicated they are not resourced constrained as indicated by the attached exhibits.

Impact to Viewers. The Station believes any disruption to viewers will be minimized. The Station recognizes that its request for an early transition will increase the total number of times a viewer may need to rescan equipment in order to receive all reassigned stations in the Biloxi-Gulfport market. Under the original FCC transition plan there only one rescan scheduled for WLOX's DMA. The granting of the proposed early transition will change the number of rescans to two. Two rescans is within the cap established by the Transition PN.⁷ Additionally, 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 additional

⁷ See Transition PN at ¶¶ 20 and 21.

and robust outreach through digital and social media, newscasts, and via notices with other local stations and print media 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.