

**Amended Request for Waiver of Deadline for Channel Sharing Station
to Discontinue Operations on Pre-Auction Channel**

Pursuant to Section 1.3 of the FCC’s Rules, WRNN License Company, LLC (“Licensee”), licensee of full power television station WRNN-TV, Kingston, NY (Fac. ID 74156) (“Station”), hereby amends its request for a further waiver of Sections 73.3700(b)(3) and (b)(4)(ii) of the Commission’s rules to provide Station with thirty (30) additional days to discontinue operations on its pre-auction channel (and file a license to cover its channel sharing construction permit).¹

On October 23, 2017, Licensee filed a Request for Special Temporary Authority in which it sought a waiver of the November 24, 2017, deadline to file its application for a construction permit to channel share and its January 23, 2018, deadline to commence channel sharing and discontinue operations on its pre-auction channel, File No. 0000034060 (the “Initial STA”). The Video Division granted the Initial STA on October 26, 2017, by letter from Barbara A. Kreisman, Chief, Video Division. As a result, Licensee now has until April 23, 2018, to discontinue operations on its pre-auction channel and file a license to cover its channel sharing construction permit.

Licensee has entered into a channel sharing agreement with Fox Television Stations, LLC (“Fox”) to channel share with WWOR-TV, Seacaucus, NJ (Fac. ID 74197), which is in the process of relocating its transmitter site to the One World Trade Center building. Licensee is working diligently to take the necessary steps to commence channel sharing, which include ordering and installing new encoders, ordering and installing a circuit to deliver the Station’s programming to WWOR-TV, and conducting extensive testing to determine that there are no disruptions prior to commencing channel sharing. Although Licensee expects to complete these actions and commence channel sharing prior to April 23, 2018, given the number of variables outside of the Licensee’s control, Licensee seeks a thirty (30) day extension—until May 23, 2018—“to implement the move to the sharer’s facility” and to “deal with technical issues associated with transitioning to its shared location.”²

The FCC may grant a waiver for good cause shown.³ The agency typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.⁴ In the *Second*

¹ Licensee is no longer seeking a waiver of Section 73.3700(b)(1). Concurrent herewith, Licensee is filing a minor change application for a construction permit for the channel on which the channel sharer operates.

² *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Second Order on Reconsideration, 30 FCC Rcd. 12016 ¶ 10 (2015) (“*Second Order on Reconsideration*”).

³ 47 C.F.R. § 1.3.

⁴ *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

Order on Reconsideration, the Commission recognized that certain winning channel sharing bidders may require an additional three months beyond the initial extension, declaring that it “will view the additional requests favorably as well so long as we determine that grant of the extension will not delay the post-auction transition.”⁵ The agency went on to acknowledge that “the availability of waiver of up to an additional six months is unlikely to adversely affect the Commission’s post-auction transition timeline.”⁶

Here, Licensee is seeking only an additional thirty (30) days rather than the full allowable extension. Such an extension is in the public interest because it will facilitate the Station’s ability to channel share successfully and without disruption, which, as the Commission has recognized, will “promote longstanding policy goals for broadcast television, including localism, viewpoint diversity, and competition.”⁷

Moreover, a grant of thirty (30) additional days will not adversely affect the Commission’s post-auction transition timeline. The channel sharing arrangement with WWOR-TV will utilize existing facilities, and grant of this waiver will not divert any engineering resources otherwise needed for the post-auction transition. Furthermore, as the testing period for Phase 1 of the repack does not begin until September 14, 2018, providing the Station with thirty (30) additional days to cease operations on its pre-auction channel and transition to shared operations will not affect other stations’ transition schedules or impermissibly delay the transition for 600 MHz band wireless licensees.

Accordingly, the Media Bureau should provide the Station until May 23, 2018, to terminate operations on its pre-auction channel.

⁵ *Second Order on Reconsideration* ¶ 11. In this context, the term “post-auction transition” refers to the 39-month period for broadcasters to transition off their pre-auction channels. The *Incentive Auction Report and Order* described the post-auction transition as the combination of the three month period for reassigned stations to file construction permits and the 36 month period for stations to transition to their new channels. *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd. 6567 ¶ 34 (2014) (“*Incentive Auction Report and Order*”). The Order further defines the “Post-Auction Transition Period” as the “39-month transition period for broadcasters that are assigned new channels in the repacking process and winning UHF-to-VHF and high-VHF-to-low-VHF bidders.” *Id.* ¶ 559; 47 C.F.R. § 27.4.

⁶ *Id.*

⁷ *In the Matter of Innovation in the Broad. Television Bands: Allocations, Channel Sharing & Improvements to VHF*, Report and Order, 27 FCC Rcd. 4616 ¶ 3 (2012); *see also id.* ¶ 22 (recognizing that channel sharing will extent the “important benefits to the public” of broadcast television); *In the Matter of Expanding the Econ. & Innovation Opportunities of Spectrum Through Incentive Auctions*, 30 FCC Rcd. 6668 (2015) (recognizing public interest benefits of flexible, post-auction channel sharing).