

## **Request for Waiver**

### **Waiver of Phase Assignment**

**WTPX-TV – Antigo, Wisconsin**

Facility ID: 86496

For the reasons stated herein, ION Media Wausau License, Inc. (“ION”), licensee of television station WTPX-TV (the “Station”), seeks a waiver of its current transition phase assignment to permit it to construct permanent facilities and commence operation on its post-auction channel no later than May 23, 2018. The Station is not in a linked station set so grant of the waiver will not cause interference to any other station.

#### Background

The Station currently is licensed to Channel 46 and has been assigned to Channel 19 for post-auction operations. In the *Closing and Reassignment Public Notice*, the Commission assigned the Station to Phase 2 of the repack with a phase completion date of April 12, 2019.<sup>1</sup>

The Station currently is off the air pursuant to a Silent STA due to the unexpected physical and mechanical failure of the Station’s main transmitting antenna.<sup>2</sup> The Station’s last broadcast over-the-air was on May 24, 2017. Due to the unusual radiation pattern of the Station’s antenna, ION has been unable to find an economical replacement for the Station’s main antenna.

Under the Commission’s rules, ION would be required to replace its antenna for operation on Channel 46 by May 23, 2018, and then replace that antenna with one capable of operating on Channel 19 less than one year later. The channel spacing between Channel 46 and Channel 19 makes it all but impossible to identify an antenna capable of being retuned from Channel 46 to channel 19. Thus, even assuming that ION can identify and install a new antenna for its current channel by May 23, 2018, doing so would be a waste of ION’s resources and the scarce resources of tower crews.

Rather than reconstructing the Station twice in the next 12 months, ION seeks authority to rebuild the Station only once, on its post auction channel, prior to the deadline for ION to place the Station back into operation.

#### Request for Waiver

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

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<sup>1</sup> See 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 Red 2786 (WTB & MB 2017) (Closing and Channel Reassignment Public Notice).

<sup>2</sup> See LMS File Nos. 0000037342; 0000025152.

assignments or transition schedule.”<sup>3</sup> ION’s instant request qualifies for such favorable treatment because it will have a positive impact on the industry’s overall transition to post-auction operations and will have minimal if any impact on viewers.

#### Interference

As indicated in the Engineering Exhibit attached to this application, ION determined using *TVStudy* version 2.2.5 that this proposed early transition of the Station does not create any new interference beyond what is permitted by the Commission’s rules. As such, there is no impact on any linked station set or other transitioning stations. The proposed early transition also will not result in the station receiving new interference exceeding that permitted by the Commission’s rules from any station.

#### Impacts to Transition Plan

The proposed transition will further the overall transition plan. This early out of phase move will in fact permit better utilization of resources by engaging vendors and service providers early in the process rather than have them potentially overloaded further in the transition. Attached hereto is an exhibit from the antenna manufacturer stating that grant of this waiver request will not impact their ability to service other stations in later phases of the repack.

#### Impact on Viewers

Under the Transition Plan, there are scheduled to be 1 to 2 rescans of the Station’s DMA. Grant of the proposed early transition of Station will result in no increase to the number of scans as there are only two repack stations in this DMA, ION Media Wausau License, Inc. (“ION”) included. The Commission determined that up to two non-sequential rescans will serve the goals of efficiently clearing DMAs while minimizing viewer disruption. Because the early transition will still be within the maximum of two rescans deemed to be in the public interest, grant of the instant waiver is appropriate.

To help mitigate any viewer disruption, the Station will notify viewers and MVPDs of the early channel change. Indeed, ION pledges to perform outreach education above and beyond the required public service announcements and crawls to notify the Station audience of the proposed transition and provide detailed instructions on the rescanning process as deemed necessary.

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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

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<sup>3</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*)).