

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

Cross Hill Communication, LLC (“Cross Hill”) seeks waiver of the post-Incentive Auction Transition Phase assignment, and corresponding testing dates and construction completion deadlines, for WYCI-DT, Saranac Lake, NY (77515) (“Station”). Pursuant to the *Closing and Reassignment Public Notice*, Station has been assigned to Transition Phase 7, for which the Phase Completion Date is January 17, 2020.¹ Cross Hill seeks to transition the Station early, with expected transition completion on or before September 1, 2018, with a testing period to commence immediately preceding said 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.”² As demonstrated below, Cross Hill’s instant request qualifies for such favorable treatment.

¹ *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*).

² *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.³ A waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.⁴ 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.⁵ Such a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁶

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 additional capacity on certain 600 MHz licenses in portions of upstate New York and Vermont, a full 17 months earlier than scheduled.

Interference. Attached hereto is an “Engineering Statement Supporting Request for Waiver Television Station WYCI(TV),” prepared by du Treil, Lundin & Rackley, Inc (“Engineering Statement”). As demonstrated in the Engineering Statement, the results of the analysis indicate that there are no cases of outgoing (caused) interference exceeding the normal 0.5%

³ 47 C.F.R. § 1.3.

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

⁵ *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.

⁶ *Northeast Cellular*, 897 F.2d at 1166.

rounding tolerance level to any other protected full-power or Class A television stations now operating. As such, there is no impact on any linked station set or other transitioning stations.

The proposed early transition will cause .74% new interference to be received from Station WMHT, Schenectady, NY, Channel 34. In the *Transition Scheduling 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.⁷ The proposed new interference is under the allowable threshold and will be temporary, as it will resolve upon the transition of Station WMHT to its new channel on Aug. 2, 2019. Cross Hill pledges to notify and work cooperatively with the licensee of Station WMHT to minimize actual interference, if possible.

Despite the creation of new interference, no new station linked station sets are created by the proposal.

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. It will also provide a more robust and more broadly distributed signal to the market.

Impact to Viewers. Finally, Cross Hill believes any disruption to viewers will be minimized. The Station recognizes that its request for an early transition may increase the total number of

⁷ *Transition Scheduling Adoption Public Notice*, at ¶ 16.

times a viewer may need to rescan equipment in order to receive all reassigned stations in Burlington-Plattsburg from two to three scans. Although this number exceeds the presumptive cap established by the Transition PN,⁸ by one scan, a waiver can be justified as the Station will engage in a comprehensive consumer awareness campaign. In addition to the required public service announcements and crawls to notify the Station audience of the proposed transition and provide detailed instructions on the rescanning process, the Station will conduct robust and diverse outreach through digital and social media, newscasts, and via notices with other local stations and print media to ensure that viewers will be well-informed of the transition.

Cross Hill pledges to act to further mitigate any viewer disruption by increasing 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. WYCI will run PSA's four weeks prior to the transition date along with adding crawl messages added to all locally produced programs about the upcoming transition.

Additionally, T-Mobile will undertake additional consumer outreach to ensure consumers are informed about the transition as described in the attached letter.

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.

⁸ See Transition Public Notice at ¶¶ 20 and 21.

