

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

WHLA-TV, LaCrosse, WI  
Facility ID: 18780 / FRN: 0002711455

Wisconsin Educational Communications Board (“ECB”) seeks waiver of the post-Incentive Auction Transition Phase assignment, and corresponding testing dates and construction completion deadlines, for noncommercial educational PBS member Station WHLA-TV, LaCrosse, Wisconsin, Facility ID 18780 (“WHLA-TV”).

Pursuant to the *Closing and Reassignment Public Notice*, WHLA-TV has been assigned to Transition Phase 2, for which the Phase Testing Period Start Date is December 1, 2018, and the Phase Completion Date is April 12, 2019.<sup>1</sup> ECB seeks to transition WHLA-TV early, with expected transition completion on September 7, 2018, in coordination with WQOW, Eau Claire, Wisconsin, Facility ID 64550 (“WQOW”), 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.”<sup>2</sup> As demonstrated below, ECB’s instant request qualifies for such favorable treatment.

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 assigned Transition Phase and its attendant testing and completion dates, because it will serve the public interest by facilitating an orderly and efficient transition and freeing up capacity for Phase 1 and Phase 2 transitions, while minimizing impacts on broadcast television viewers and post-auction transition resources. Specifically, if WHLA-TV is permitted to complete its transition early, it will be more efficient for tower crew and other key repack vendors and resources, including the main antenna and transmission line manufacturer (ERI) the interim antenna and transmission line provider (Dielectric), and the installation contractor (Tower King II).

The attached letter (“TKII FCC Letter”) from Tower King II indicates that the early work at WHLA-TV not only posed no adverse impact to later phase repack work, **but this early work gave Tower King II the opportunity to take on additional repack work during phases 1 and 2.**

As the attached comparison (“WHLA\_TV”) of WHLA-TV’s interim facilities to WHLA-TV’s full power facilities clearly demonstrates, grant of the instant waiver will also reduce loss of service from WHLA-TV by more than 92,000 people because of the limited-coverage interim facilities in use at WHLA, since time using the interim facilities will be reduced by 85 days. Most of these viewers have no other over-the-air public television service available (see “WHLA\_TV\_06818”, attached).

Because WHLA-TV’s assigned phase ends on April 12, 2019, and WHLA-TV is located in the northern tier of states where major tower work is impractical six or more months of the year, all WHLA-TV tower work must be completed during the prior year’s tower construction season, which ends mid-October, 2018. ECB found that the pool of tower crews qualified and available to do the tower work during the 2018 construction season was extremely limited. Because of the limited field of contractors, scheduling was almost entirely up to the crew selected. The contracted tower crew was able to schedule the WHLA-TV tower work to occur from mid-May to mid-June 2018, with operation from interim facilities (providing limited coverage) commencing on May 17, 2018. The tower work necessary for this project includes installation of an interim antenna and transmission line, replacement of the existing 8” rigid transmission line with 6” rigid transmission line, and replacement of the top pylon antenna.

ECB’s goal early in the process was to engage a qualified tower crew to complete all repack-related work in one visit during construction season, thus eliminating the unnecessary expense and need for the crew to return during the dangerous and entirely impractical tower-work months of December 2018 through April of 2019 (transition phase 2) to complete the project.

WHLA-TV is part of a three linked-station set, including WQOW and WEUX, both of which are in the same Designated Market Area (“DMA”) as WHLA-TV (LaCrosse/Eau Claire, WI). ECB notes that WEUX has filed for and been granted a channel modification request, removing it from the linked station set. ECB also notes that WQOW is prepared to commence operation on its post-transition channel on September 7, 2018, in coordination with WHLA-TV’s proposed transition. WQOW informs ECB that it is their intention to file a similar waiver of phase assignment request.

Interference. An Engineering Statement supporting this phase change request was conducted by Doug Vernier Telecommunications Consultants on April 24, 2018. The attached report (“April 24 No interference statement and OET 69 Study”) analyzed potential new interference cause or received and determined if there was any impact on a link-station set other than to WQOW, whose early transition will be coordinated with WHLA-TV. Because the analysis shows 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, no new pairwise interference will be created by the proposed early transition of WHLA-TV. As such, there is no impact on any linked station set or other transitioning stations, except to WQOW as noted.

The proposed early transition will result in WHLA-TV receiving no new interference from any station.

Impacts to Transition Plan. The proposed transition will further the overall transition plan. This early out-of-phase transition 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, and limiting tower crew activity on the WHLA-TV tower to one visit. **Other than the FCC's approval of this request, WHLA-TV is entirely prepared now and ready to meet the proposed early transition date of September 7, 2018.**

Because of the peculiar nature of the LaCrosse/Eau Claire DMA, the proposed early transition of WHLA-TV and WQOW *will not result in the requirement of more than three rescans for any viewers in the DMA.* This DMA is comprised of two cities that are 75 miles apart, each with its own complement of PBS (WHLA-TV & WHWC-TV, see "WHWC\_TV", attached), ABC (WXOW & WQOW, see "WXOW\_C\_D", attached), and Fox (WLAX & WEUX, see "WEUX\_TV", attached) network-affiliated stations, with each set of network affiliates having common owners and nearly 100% identical programming.

As the attached maps demonstrate (see also "Map\_Six\_TV\_Stations"), an early, coordinated transition of WQOW and WHLA-TV would result in the following rescan scenarios:

- Over the air viewers in the LaCrosse region will be required to rescan for
  - 1) WXOW (ABC, completed 5/31/2018);
  - 2) WHLA-TV (PBS, requested 9/7/2018);
  - 3) WLAX and WEAU (Fox and NBC, both phase 9).
  
- Over the air viewers in the Eau Claire region will be required to rescan for
  - 1) WQOW (ABC, requested 9/7/2018);
  - 2) WEUX (Fox, phase 2, likely late in the phase);
  - 3) WEAU (NBC, phase 9).

Whereas, the previously assigned phase 2 timing for WHLA-TV and WQOW would result in the following rescan scenarios:

- Over the air viewers in the LaCrosse region will be required to rescan for
  - 1) WXOW (ABC completed 5/31/2018);
  - 2) WHLA-TV (PBS, phase 2);
  - 3) WLAX and WEAU (Fox and NBC, both phase 9).
  
- Over the air viewers in the Eau Claire region will be required to rescan for
  - 1) WQOW (ABC, early in phase 2);
  - 2) WEUX (Fox, late in phase 2);
  - 3) WEAU (NBC, phase 9).

The proposed early out-of-phase 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 transition, and by limiting tower crew activity on the WHLA-TV tower to one visit. In addition, ECB asserts that an early transition of WHLA-TV and WQOW would

serve the public interest by eliminating 85 days of WHLA-TV operation via its limited-coverage interim facilities.

Viewer Notification. WHLA-TV will engage in a comprehensive consumer awareness campaign. In addition to ECB's commitment to exceed the required public service announcements by providing at least five minutes of notifications per day for up to 60 days prior to September 7, 2018 to notify the station's 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, and newscasts, to ensure that viewers will be well-informed of the transition.

ECB will utilize the communications staff at Wisconsin Public Television to provide communication points regarding the channel transition and required rescan on all available communication platforms including web, social media, email communication such as WPT newsletters, as well as the regular program guide "Airwaves". Wisconsin Public Television has committed its entire Audience Services Staff of five employees to assist viewers seeking to restore WHLA-TV reception. These staff members will have already been through the early transition process for ECB's early-transitioning WPNE-TV and will apply the lessons learned in the WPNE-TV transition to more effectively help viewers with the WHLA-TV transition.

Wisconsin Educational Communication Board will also utilize WHLA-TV on-air notifications to inform viewers through regular interstitial announcements in addition to required PSAs. . The number of on-air notifications provided will exceed the requirements of normally transitioning stations by more than twice the required notifications.

ECB also operates multiple Wisconsin Public Radio stations in the market and will also utilize PSA time on those stations at regular intervals throughout the 30 days prior to the transition, providing at least four 15 second spots per day.

ECB anticipates scheduling these announcements to run approximately 30 days prior to changes that would impact viewing and will continue this publicity through the completion of the transition work. When possible, ECB will work to place unearned media exposure in other media in the market. ECB will also utilize the Audience Services Team at Wisconsin Public Television to make ongoing updates to messaging.

Upon the completion of the WHLA-TV channel change, ECB will again communicate rescan messaging across all platforms. In addition, ECB will coordinate with Quincy Media, Inc., licensee of WQOW, Eau Claire, Wisc., to minimize confusion among viewers in the DMA of the intention of both stations to transition ahead of the overall market's transition phase.

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, will not result in the requirement of additional rescans for any viewers in the DMA, and will eliminate 85 days of reduced power/reduced coverage operation of WHLA-TV, and thus is in the public interest.

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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 Red 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*).

<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.