

Third Request for Waiver to Commence Shared Operations

South Florida PBS, Inc. (SFPBS), licensee of television stations WPBT, Miami, Florida (Facility ID No. 13456), WXEL-TV, West Palm Beach, Florida (Facility ID No. 61084), and WURH-CD, Miami, Florida (Facility ID No. 4366), requests up to an additional 30 days for WXEL-TV to continue to operate on its pre-auction channel before commencing shared operations on the channel now used exclusively for WPBT. SFPBS' initial request was granted by the Video Division. *Letter from Barbara A. Kreisman to South Florida PBS, Inc.* (Nov. 21, 2017), and its second request was also granted by the Video Division. *Letter from Barbara A. Kreisman to South Florida PBS, Inc.* (March 28, 2018).¹

Background SFPBS requested its prior extensions because of delays resulting from damage by Hurricane Irma and the resulting delays in establishing connections needed for shared operations. In order to commence shared operations, a new connection must be established between the WPBT studios and the WXEL-TV studios in Boynton Beach, Florida. New connections are also required between SFPBS' shared master control facility located in a data center in Jacksonville, Florida and the WPBT and WXEL-TV studio sites; and between the WPBT studio site, WXEL's translator in Ft. Pierce, Florida (W31DC-D, Facility ID No. 167891), as well as with upload sites for DirecTV and DISH Network.

The two providers used by SFPBS to provide these connections, AT&T and Comcast, were engaged in restoring circuits and other facilities damaged or destroyed by Hurricane Irma, and were delayed in beginning work on the new facilities needed by SFPBS for shared operations with WXEL-TV. Both providers also had to coordinate repair work with the Florida Department of Transportation, which created additional delays.

Status Construction of the required fiber links has been completed. All but one multi-channel video programming distributor retransmitting the WXEL-TV signal has reported that they are able to receive the signal from WXEL-TV's new facility either over-the-air or by a fiber link. SFPBS was prepared to transition WXEL-TV to its post-auction shared channel no later than July 23, 2018. DirecTV, however, claims that the signal received at its West Palm Beach Local Receive Facility, which is transmitted over the same fiber link that will supply DISH Network's local receive facility and SFPBS' translator in Ft. Pierce, does not meet DirecTV's

¹ The Division in the March 28 letter required that any further requests to delay channel-sharing be filed by May 23, 2018. The situation with DirecTV that is the basis for this request did not arise until well after May 23. SFPBS has been working diligently to determine if signal problems under its control could be the cause of the issues DirecTV claims exist in order to keep the current transition deadline. In the circumstances, SFPBS requests that the Division waive the requirement that it file for a further extension by May 23.

standards and has stated that it will refuse to transmit the signal as currently delivered and instead transmit a slide indicating that the station is suffering from “technical difficulties.”

While SFPBS does not believe that DirecTV has the authority to take that action with respect to a signal delivered to it by fiber,² SFPBS does not wish to take the risk that viewers in the WXEL-TV viewing area who subscribe to DirecTV of the programming the station provides will be deprived of access to its signal for an indefinite period. SFPBS has tested the signal at the inputs to the fiber link, and at the outputs at the DISH local receive facility and at the Ft. Pierce translator and has not observed the signal issues DirecTV claims to experience. Further, SFPBS asked AT&T – the fiber link supplier – to test the link and AT&T has reported that the circuit is working properly.

SFPBS believes that, to the extent a problem exists, it may be related to connections to devices at the DirecTV local receive facility. DirecTV has told SFPBS that no engineering staff will be able to assist in testing or reconfiguring the equipment at the local receive facility until after July 23, the current date by which WXEL-TV must transition to its new channel. SFPBS will work with DirecTV to replace or modify the equipment at the local receive facility in an effort to satisfy DirecTV’s standards, and if those modifications do not solve the problem, will retain a consultant to search for other solutions. SFPBS thus requests an additional thirty-day extension of its channel-sharing deadline for WXEL-TV to August 22, 2018.

Since SFPBS completed construction of the facilities needed to transition WXEL-TV to its new channel in time to meet its current implementation deadline, and no problems with its signal have been reported by any other carrier or revealed in SFPBS’ own tests, it believes that the problem DirecTV claims to be experiencing is one beyond SFPBS’ control.

The Video Division recently recognized that the “Commission’s rules require that we view [an additional] request favorably,” as long as the extension will not delay the post-auction transition. *Letter from Barbara A. Kreisman to WRNN License Company, LLC* (Vid. Div. March 12, 2018). All Florida stations were assigned to transition phase 2, for which testing cannot begin until December 1, 2018. An additional brief waiver of the channel-sharing deadline for WXEL will not affect the post-auction transition.

SFPBS will continue to work with DirecTV to resolve any signal problems. SFPBS will notify other distributors of its signal that the transition to its new channel will be delayed. As soon as the issues with DirecTV are corrected, SFPBS will work with distributors to set a new transition date and will notify viewers of that date in accordance with the Commission’s rules.

² Indeed, the Commission specifically rejected DirecTV’s proposal that the “good quality signal” standard be interpreted to require a signal compatible with DBS providers’ signal compression equipment, concluding instead that “[b]roadcasters do not have to meet such exacting ratios and levels when delivering signals to a . . . headend to qualify for carriage.” *Implementation of the Satellite Home Viewer Act of 1999: Broadcast Signal Carriage Issues; Retransmission Consent Issues*, 16 FCC Rcd 1918, 1945 (2000).

SFPBS therefore requests authority for WXEL-TV to continue to operate on its pre-transition channel for up to thirty additional days to August 22, 2018.