

Fort Wayne Public Television, Inc.
WFWA(TV), Fort Wayne, IN (Facility ID 22108)

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

Fort Wayne Public Television, Inc. seeks waiver of the post-Incentive Auction Transition Phase assignment, and corresponding testing dates and construction completion deadlines, for WFWA(TV), Fort Wayne, IN (Facility ID 22108) (“Station”). The Station has been assigned to Transition Phase 6, for which the Phase Completion Date is October 18, 2019. Fort Wayne Public Television, Inc. 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 PN* encouraged 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.”¹ As demonstrated below, Fort Wayne Public Television, Inc.’s instant request qualifies for such favorable treatment.

The FCC may grant a waiver for good cause shown.² A waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.³ In considering a

¹ *Incentive Auction Task Force and Media Bureau Adopt a Post-Incentive Auction Transition Scheduling Plan*, Public Notice, MB Docket No. 16-306, GN Docket No. 12-268, ¶ 50, *24 n.163 (rel. Jan. 27, 2017) (“Transition Scheduling PN”).

² 47 C.F.R. § 1.3.

waiver, the FCC may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁴ Such a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁵

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 new competitive wireless broadband service to people of Fort Wayne, Indiana a full 14 months earlier than scheduled.

Interference. Attached hereto is an “Engineering Statement Supporting Request for Waiver Television Station WFWA(TV),” prepared by duTreil, Lundin & Rackley, Inc (“Engineering Statement”). As demonstrated in the Engineering Statement, because the results of the analysis indicate that there are 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 (station-to-station) interference will be created by the proposed early transition of Station. As such, there is no impact on any linked station set or other transitioning

³ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁴ *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.

⁵ *Northeast Cellular*, 897 F.2d at 1166.

stations. This analysis takes into consideration the early move of WISE-TV on or before September 1, 2018 from Channel 18 to Channel 34.

The results of the analysis indicate that there are no cases of incoming (received) interference exceeding the 2% temporary interference limit to the WFWA Channel 18 C.P. facility. In addition, as noted in the interference analysis, considering only the WFWA cells receiving service from the licensed Channel 40 facility, the predicted interference received is equivalent to 0.16%.

Because the licensee of WISE-TV will coordinate its early transition to Channel 34 on or before September 1, 2018, the WFWA early transition immediately thereafter in advance of its phase transition date will not create any new linked station sets. In addition, the early transition of WFWA and WISE-TV will eliminate two stations from LSS ID No. 44, which will simplify the transition process. No new station linked station sets are created by the proposal.

Impacts to Transition Plan. The proposed transition will further the overall transition plan and will in fact create positive externalities by allowing the unlocking of a linked station set, thereby relieving numerous stations from burdens associated with coordination of resources and timing. With WISE-TV moving to Channel 34 on or before September 1, 2018, WFWA will be able to move to Channel 18, unlocking LSS ID No. 44.

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. By moving early, WFWA will be able to take advantage of its new transmitter and antenna allowing it to better serve the community with better reception of its channel. WFWA will also be able to focus time and resources on its business plan rather than waiting for WFWA's original slated date to arrive, which could hinder viewership in the future. WFWA has consulted with equipment manufacturers and vendors to ensure an orderly early transition (see attached letters).

Impact to Viewers. Fort Wayne Public Television, Inc. believes any disruption to viewers will be minimized. The Station recognizes that its request for an early transition may increase the total number of times a viewer may need to rescan equipment in order to receive all reassigned stations in Fort Wayne, Indiana from one to two scans. The Commission determined that up to two non-sequential rescans will serve the goals of efficiently clearing DMAs while minimizing viewer disruption.⁶ Because the proposed 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. Moreover, Fort Wayne Public Television, Inc. 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. In addition, Fort Wayne Public Television, Inc. will coordinate with Sagamorehill of Indiana Licenses, LLC, licensee of WISE-TV, Fort Wayne,

⁶ Transition Scheduling Adoption Public Notice, at ¶ 21.

Indiana, to minimize confusion among viewers in the DMA of the intention of both stations to transition ahead of the overall Fort Wayne 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, and thus is in the public interest.