

Request for Waiver and Special Temporary Authority

Community Broadcast Group, Inc. (“CBG”), licensee of Class A television station WMNT-CD, Toledo, Ohio (Facility ID No. 51913, “WMNT”), requests waiver of Commission rules (including but not limited to Section 73.7300, 47 C.F.R. § 73.7300) and policies, and legal special temporary authority (“STA”), to permit WMNT to remain on the air on its current digital Channel 48 and to extend its repack digital Channel 36 construction permit (LMS File No. 0000034589, the “Channel 36 Permit”) beyond its current expiration date, which is also WMNT’s currently assigned repack transition deadline in Phase 1, of Friday, November 30, 2018, for seven weeks, or until Friday, January 18, 2019.

Immediately after the Channel 36 Permit was granted on May 10, 2018, CBG began working with equipment vendors to develop quotes for the transmission and other equipment needed to construct WMNT’s new repack Channel 36 facilities, and through that process focusing on proposals from a vendor, Gates Air, who repeatedly assured CBG that it could deliver and install the necessary equipment to meet the November 30, 2018 deadline. CBG signed quotes and invoices with Gates Air on or about August 20, 2018, which were submitted to the Commission for reimbursement on September 10, 2018 (after some additional communications requesting information on how the Gates Air quotes and invoices aligned with the cost categories in CBG’s Form 399 cost estimates and initial allocation).

However, by this time, Gates Air was hedging on whether it could still meet the November 30th deadline, so CBG began contacting other vendors, to find another vendor that could meet the deadline. By the time CBG received an email from the FCC Fund Repack Administrator on October 4, 2018, rejecting CBG’s reimbursement request, it had become clear that Gates Air would not be able to meet the deadline, but CBG had found another vendor, Anywave, which assured CBG it could still meet the November 30, 2018 deadline. CBG then signed a new invoice with Anywave, and retained Widelity, Inc. (“Widelity”) to handle submitting any future invoices for reimbursement; although all of the information was provided to Widelity by about October 9, 2018, unfortunately due to some miscommunication on Widelity’s end the reimbursement request based on the Anywave invoice was not filed until October 25, 2018.

CBG was able to confirm this week receipt in its account of reimbursement funds for the equipment, which were authorized to be released on November 16, 2018, and has made payment to Anywave. Anywave has now advised that it expects it can deliver and begin installation of the digital Channel 36 transmission equipment during the week of December 17, 2018, and CBG expects to be able to complete construction by December 31, 2018. However, to allow time for potential delays due to delivery or the weather or the upcoming holidays or other factors, for testing of the new equipment, completion of the required viewer and other notifications based on this delivery and installation schedule, and to hopefully avoid the potential for any further request for extension, CGB is requesting a new transition deadline and Channel 36 Permit expiration date of Friday, January 18, 2018.

Grant of this request should not adversely affect the Commission's repack transition schedule, any other broadcaster, or the new uses of WMNT's current spectrum. WMNT is not part of any "linked station set", along with any other broadcaster, nor does the construction of WMNT's Channel 36 Permit facilities require any tower or other specialty construction or installation crews that might be needed by other stations, so the delay in WMNT's transition to Channel 36 should not adversely affect any other broadcaster, nor the Commission's repack transition schedule.

Also, the spectrum that WMNT is vacating, the station's current digital Channel 48, was won in the Commission "forward auction" and will be used in the future by T-Mobile; CBG has been in communication with T-Mobile, which has advised that a "brief delay beyond 11/30/18" would not delay their spectrum deployment plans (a copy of an email dated 11/20/18 from T-Mobile is attached to this request for the Commission's reference). In the unlikely event that T-Mobile advises that it wishes to use the Channel 48 spectrum prior to WMNT's transition to Channel 36, CBG would take WMNT off-the-air temporarily (but would continue to distribute its programming to the cable television provider, which receives the WMNT programming by a direct fiber optic feed, in order to diminish any effect on the station's viewers that receive the station over cable television).

CBG submits that the public interest would be served in granting the waivers and STA requested herein, by ensuring the continuity of service broadcast by WMNT to its viewers, and that the delay was largely due to circumstances beyond its control, due to the change in vendors necessitated by their changing abilities and commitment to meet the November 30, 2018 deadline. CBG also requests a waiver of the viewer notification requirements, to permit CBG to air its consumer education notifications based on its proposed new transition deadline of January 18, 2019.

Email from T-Mobile

Following is a copy of an email dated 11/20/18 from Mark Bishop of T-Mobile, advising that T-Mobile does not object to a “brief delay” in WMNT’s repack transition from its current digital Channel 48 to its authorized repack Channel 36:

----- Original message -----

From: "Bishop, Mark" <Mark.Bishop@T-Mobile.com>

Date: 11/20/18 12:16 PM (GMT-05:00)

To: jswnet2@aol.com

Subject: WMNT

Jesse

As per our conversation we have reviewed your station’s impacts to T-Mobile’s planned deployment. If your move from channel 48 is briefly delayed beyond 11/30/18 there will be no impacts to our 600MHz deployment plans.

Thank you

Mark

Mark Bishop

Senior Manager- Spectrum Management

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