



Federal Communications Commission
Washington, D.C. 20554

January 16, 2019

Meredith Corporation
Joshua Pila
1716 Locust Street
Des Moines, IA 50309

Re: Request for Modification and
Waiver of Phase Assignment
WGGB-TV, Springfield, MA
Facility ID No. 25682
LMS File No. 0000064126

Dear Licensee,

On December 12, 2018, Meredith Corporation (Meredith), the licensee of WGGB-TV, Springfield, Massachusetts (WGGB-TV or Station), filed a *Request for Modification and Waiver of Phase Assignment* requesting to modify the post-incentive auction transition phase assigned to the Station in the *Closing and Channel Reassignment Public Notice* from Phase 8 to Phase 4.¹ For the reasons below, we grant Meredith's request for waiver and modify the Station's phase assignments to Phase 4, as conditioned herein.

Background. Pursuant to the *Transition Scheduling Adoption Public Notice*, individual stations may request waiver and modification of their phase assignment.² A waiver is appropriate where the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall policy on an individual basis.³ The Media Bureau (Bureau) has stated it will evaluate such requests on a case-by-case basis to assess the impact on the transition schedule, including the impact on other broadcasters as well as viewers, in order to facilitate a timely and orderly transition.⁴ The Bureau determined that it would view favorably requests that are compliant with the Commission's rules and

¹ See *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 Rcd 2786 (WTB & MB 2017) (*Closing and Channel Reassignment Public Notice*). See LMS File No. 0000064126, Phase Adjustment Waiver (Waiver Request).

² See *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, 912-14, paras. 47-52 (MB 2017) (*Transition Scheduling Adoption Public Notice*).

³ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); 47 CFR § 1.3 (waiver for good cause shown). See also *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 913-14, para. 51 and n.171.

⁴ See *id.* at 912-14, paras. 49-52. See also *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Broadcast Transition*, 32 FCC Rcd 858, 881-82, para 73 (MB 2017).

have little or no impact on the transition schedule.⁵ Requests that the staff determines would be likely to delay or disrupt the transition schedule will be viewed unfavorably.⁶

WGGB-TV is currently licensed to operate on channel 40. It was reassigned to channel 26 in the *Closing and Channel Reassignment Public Notice* and assigned to transition Phase 8, which has a testing period start date of January 18, 2020, and phase completion date of March 13, 2020. WGGB-TV is located in the Springfield-Holyoke, Massachusetts Designated Market Area (Springfield DMA). A total of three stations, including WGGB-TV, were repacked in the Springfield DMA, with two stations being assigned to Phase 4 and one to Phase 8. Meredith, the one station assigned to Phase 8, requests permission to move WGGB-TV from Phase 8 to Phase 4, which has a testing period start date of June 22, 2019, and phase completion date of August 2, 2019. Meredith asserts that modifying WGGB-TV's transition phase is intended to promote the deployment of new wireless broadband services by enabling T-Mobile, a winning 600 MHz band licensee, to deploy its new wireless broadband service in and around the Springfield DMA up to seven months earlier than it would be able to under the current transition schedule.⁷ Meredith anticipates commencing operation on the post-auction facility authorized in WGGB-TV construction permit by 11:59pm (local time) on August 2, 2019, the Phase 4 completion date.⁸ Meredith has consulted with and included letters from its equipment manufacturers and vendors, including the tower crews, verifying that this phase change will not negatively impact other transitioning stations ability to access to resources.⁹ In fact, WGGB-TV's tower crew specifically states that moving the Station to Phase 4 will allow its tower crew to "better align [] repack tower projects in this region to make them more efficient and geographically logical."¹⁰

Meredith has provided an engineering analysis demonstrating that the Station's move to Phase 4 would cause it to join Linked-Station Set 36 (LSS 36) and become directly linked with stations WHPX-TV, New London, Connecticut (WHPX-TV) and WTEN(TV), Albany, New York (WTEN).¹¹ Meredith includes with its request letters from WHPX-TV and WTEN in which they each state their agreement to coordinate the transition of their stations with WGGB-TV in order to prevent interference.¹² So long as WHPX-TV, WTEN, and WGGB-TV coordinate their transition grant of the requested phase change will

⁵ *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 912-13, para. 49 and n.163.

⁶ *Id.*; see *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, Public Notice, MB Docket No. 16-306 and GN Docket No. 12-268, DA 18-884, para. 14, 6-7 (IATF & MB, rel. Aug. 27, 2018) (*Transition Reminder Public Notice*).

⁷ Waiver Request at 2. Included with both waiver requests is also a study conducted by T-Mobile verifying that as a result of the Station's early transition, T-Mobile will be able to commence 600 MHz operations earlier than under the existing transition schedule. See *Id.*, Request for Confidential Treatment. Pursuant to Sections 0.457 and 0.459 of the Rules, T-Mobile requests confidential treatment of the information pertaining to the precise timing and location of its deployment. T-Mobile contends such information is not routinely made publicly available and should be withheld from public inspection as trade secrets, or privileged or confidential commercial, financial or technical data. See 47 CFR §§ 0.457(d)(2) and 0.459.

⁸ Waiver Request at 3.

⁹ *Id.* at 3, Letters from Coast to Coast Tower Service, Inc. (Coast to Coast), Comark Communications, and Dielectric, LLC.

¹⁰ *Id.*, Letter from M. Todd Jason, President Coast to Coast.

¹¹ WHPX-TV is licensed to ION Media of Hartford, Inc., and WTEN is licensed to Nexstar Broadcasting, Inc.

¹² *Id.* at 2, Coordination Letter Meredith & Nexstar and Coordination Letter Meredith & ION.

not result in increased pairwise interference greater than two percent during the transition period.¹³ Meredith notes that moving WGGB-TV to Phase 4 will reduce the total number of rescan periods in the Springfield DMA from two to one.¹⁴ In order to ensure that viewers are well-informed about the Station's plans to transition ahead of its currently scheduled phase assignment, Meredith has agreed to provide additional consumer outreach beyond what is required by the Commission's rules, including through increased public service announcements and crawls, as well as the use of digital and social media.¹⁵

Discussion. Upon review of the facts and circumstances presented, we find that Meredith's request to modify the phase assignment for WGGB-TV to transition to its post-auction channels in Phase 4 satisfies the requirement for a waiver and is in the public interest. We agree that the change to the Station's transition phase should not have an adverse impact on the overall transition schedule or a negative impact on other stations or viewers. Although staff has confirmed that the phase change will add WGGB-TV to LSS 36 and create new dependencies with WHPX-TV and WTEN, we find the written agreements entered into between the stations and WGGB-TV to coordinate their transitions will prevent new increased pairwise interference above the two percent permitted during the post-auction transition period.¹⁶ WGGB-TV has received letters of support from its vendors confirming that the phase change will not impact other transitioning stations' access to resources. Furthermore, the phase change will reduce the total number of rescan periods in the Springfield DMA from two to one. Meredith has also committed to put in place viewer outreach programs beyond those required by the Commission rules. As a result, we find that the benefit of early deployment in the 600 MHz band, statements of support from the Station's vendors, agreement to coordinate with WHPX-TV and WTEN, reduction to a single rescan period in the Station's DMA, and additional consumer education and outreach efforts outweighs any viewer burden caused by the change in WGGB-TV's transition schedule.

We caution Meredith that any additional expenses incurred as a result of the grant of the Station's voluntary phase change may not be reimbursable from the TV Broadcasters Relocation Fund. Such additional costs might include, but may not be limited to, additional legal or engineering expenses; filing fees; and interim or additional equipment that was not contemplated when the station filed its initial estimated expenses but was subsequently necessitated to complete the transition to its post-auction channel due to its phase change.

Accordingly, we **GRANT** Meredith's *Request for Modification and Waiver of Phase Assignment* and modify the transition phase assignment for WGGB-TV **from Phase 8 to Phase 4**, subject to all the commitments made in its waiver request and compliance with all Commission rules applicable to transitioning stations.¹⁷ Testing on the Station's post-auction channel **may not begin until 12:01 am local time on June 22, 2019**, and WGGB-TV is required to cease operating on its pre-auction channel **no**

¹³ *Id.* at 2 and Engineering Statement. By moving to Phase 4, WGGB-TV becomes a "downstream" station of both WTEN and WHPX-TV. As a result, in order to avoid impermissible amounts of increased pairwise interference WGGB-TV must transition to its post-auction channel at the same time as or after WTEN and WHPX-TV. See *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 897, para. 16.

¹⁴ See *id.* at 898-99, paras. 20-21 (establishing a two rescan periods per DMA limitation when assigning stations to transition phases).

¹⁵ Waiver Request at 3.

¹⁶ See *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 897, para. 16 (allowing temporary increased pairwise (station-to-station) interference of up to two percent during the transition period).

¹⁷ See generally 47 CFR § 73.3700 and *Transition Reminder Public Notice*.

later than 11:59 pm local time on August 2, 2019.¹⁸ The Station's construction permit expiration date will also be modified to correspond to its new phase completion date.¹⁹

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

Cc: (via electronic mail):
Christina H. Burrow, Esq.

¹⁸ Each transition phase has a designated testing period on which a station in that phase may begin testing equipment on its new channel and a designated phase completion date when a station must cease operation on its pre-auction channel. The phase completion date is the date that will be listed in that station's construction permit as its construction deadline and is the date the station must cease operation on its pre-auction channel. *See Closing and Channel Reassignment Public Notice*, 32 FCC Rcd 2806, para. 64. A station that commences testing on its post-auction channel before the beginning of its assigned testing period will be operating in violation of Commission rules.

¹⁹ *Id.* ("The phase completion date is...[also] the date listed in each station's construction permit as its construction deadline."). If a station must commence operations on its post-auction channel at variance from the parameters authorized in its construction permit, it must file for and be granted special temporary authority prior to commencing operations. *See* 47 CFR § 73.1635. A station that needs additional time to complete construction of its post-auction facility beyond its construction permit expiration date must file for a 180-day extension of its construction permit in accordance with Section 73.3700(b)(5)(iv). Stations needing additional time to construct after a 180-day extension is granted, will be subject to the Commission's tolling provisions. 47 CFR § 73.3700(b)(5)(iv). Grant of an extension of time to construct does not relieve a station of the requirement that it ceases operation on its pre-auction channel by its assigned phase completion date.