

10-Week Transition Progress Report

February 1, 2019:

For convenience, the narrative explanations provided by the licensee for WLFG's fourth quarter 2018 and third quarter 2018 Transition Progress Reports (LMS File Nos. [0000066426](#) and [0000062532](#), respectively) are included below.

While the concerns and potential issues previously reported (as reprinted below) remain true, additional complications have now arisen. Since the filing of the fourth quarter 2018 Transition Progress Report, the government agency lessor of the WLFG tower site has determined that discussion of and further information about the WLFG repack project is warranted. Accordingly, WLFG has been engaging in lessor-tenant discussions, though it would be fair to describe those negotiations as proceeding at a pace that may become cause for concern.

In addition, in the course of working through the Washington County construction permitting process, the County determined during the last week in January 2019 that the Virginia Department of Transportation ("VDOT") should be involved in the permit process. Following WLFG's prompt initiation of discussions with VDOT, VDOT issued its approval of the project (or, more accurately, that its approval of the project wasn't actually necessary). During the last week of January, the County also advised WLFG that the County would require, as a prerequisite to issuing a permit for the construction of WLFG's replacement tower, an FAA Determination of No Hazard ("Determination") for the new tower. This requirement is incongruous with WLFG's reasonable expectations because neither the FAA's nor the FCC's rules require WLFG to obtain a Determination for WLFG's replacement tower.¹ Nonetheless, WLFG promptly filed, on January 30, an FAA Form 7460-1 to obtain a Determination. The FAA's standard processing time for a Determination is 45 days, and WLFG is attempting to accelerate that timeline. Because the County has imposed this FAA processing requirement, WLFG is changing certain of its responses in this 10-Week Transition Progress Report as compared to prior filings (see image inserted immediately below).

Approval and Permits

* Does the Station require FAA approval (e.g., completion of FAA Form 7460-1 and a "No Hazard Determination") in order to construct its post-auction facility?

☒ Yes ☐ No [« Clear](#)

* The Station has requested FAA approval for its post-auction facility.

☒ Yes ☐ No [« Clear](#)

* The Station has received FAA approval for its post-auction facility.

☐ Yes ☒ No [« Clear](#)

¹ The replacement tower will be less than 200 feet tall (including appurtenances) and passes the FCC's TOWAIR slope analysis. The tower will be no taller (including appurtenances) than the existing tower and will be located in very close proximity to (within the same "postage stamp" fenced-in area as) the existing tower.

Unrelated to the governmental permitting issues above, the installation schedule for WLFG's post-transition transmitter has changed, and it will be installed a few weeks later than initially thought. WLFG believes that this installation schedule change will not affect the overall repack project schedule because the construction of the replacement tower remains the critical part of the repack project that will ultimately dictate the schedule—as affected by weather and climate—for the completion of the WLFG repack project.

Finally, while WLFG (as indicated in previously-filed Transition Progress Reports as reprinted below) has indicated that an interim facility is not a viable option, the 10-Week Transition Progress Report responds affirmatively to the question: “Does the Station require use of a new auxiliary antenna system?” While this approach may appear to be inconsistent, WLFG wishes to clarify that it is not. WLFG is in a vulnerable position, uncertain of its likelihood of success in meeting the Phase 2 transition deadline. While WLFG firmly believes that an interim facility at the current tower site on the existing tower is not viable, WLFG understands that it may need to explore other, “outside the box” interim options if climate, weather, and state and local governmental factors push WLFG's repack project to the brink. Only for that reason has the licensee responded affirmatively to the question “Does the Station require use of a new auxiliary antenna system?”.

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Reprint of Narrative from Fourth Quarter Transition Progress Report

Weather and Climate Challenges Are a Threat to Safe, Timely Completion of WLFG's Repack Project

January 2019:

For convenience, the narrative explanation provided by the licensee for WLFG's third quarter 2018 Transition Progress Report (LMS File No. [0000062532](#)) is included below.

As alluded to previously (see, e.g., the narrative below from the third quarter 2018 Transition Progress Report), weather and climate conditions at WLFG's tower site (i.e., DTS Site No. 1)—which is located in the Jefferson National Forest in the Appalachian Mountains in the western part of Virginia—will ultimately control both the construction progress of WLFG's repack project and whether the post-transition facility can be made operational by the April 12 Phase 2 transition deadline. As of the date of this filing in early January 2019, it is becoming more likely that WLFG's efforts to complete construction by April 12 will be thwarted by weather and climate and the manner in which they affect access to the site and ability to construct.

It is important to understand the steps that have already been taken—and that continue to be pursued—in furtherance of WLFG's repack project. As noted previously, the licensee has already ordered its transmission equipment and contracted with a vendor to erect a new tower at the site. As of the date of this filing, WLFG expects the transmitter vendor to deliver the new transmitter to a local “staging” area (i.e., not to the mountain top) in February. When the vendor's transmitter installation crew is available, they will come and install the post-transition transmitter at the tower site, subject to the accessibility of the tower site; it is anticipated that the transmitter install will be

complete around the beginning of March. Thus, WLFG is optimistic that the new transmitter will be installed well in advance of the April 12 deadline, notwithstanding weather/climate delays. In addition, rental of porta-john facilities for use by crews at the tower site was secured by the licensee in mid-December, and a necessary industrial waste bin has been delivered to the tower site.

The most significant part of WLFG's repack project is the erection of the new tower. Although the tower vendor has not yet commenced construction activities at the tower site, a surveyor (for permitting purposes) was dispatched to the tower site on January 9, 2019, and fabrication of the new tower components is expected to be completed by the manufacturer around or soon after February 1, 2019. The tower vendor has scheduled the excavation and pouring of the new tower foundation for around February 1, assuming that necessary permits have been secured and weather permitting. Following successful permitting and foundation installation, transport of the new tower components to the tower site will be possible, subject to the weather/climate conditions on the mountain. As of this filing, the vendor anticipates a March 1 arrival of the tower construction crew, and a three-week period for construction of the new tower, including mounting of the new post-transition antenna and transmission line.

Just as the licensee is relatively unconcerned about the timely fabrication and delivery of the post-transition transmitter, the licensee is also comfortable at present with the anticipated schedule for fabrication and delivery of the post-transition antenna. Of course, just like the transmitter, the initial delivery of the antenna will be to a local "staging" area that is not at the tower site. Only once the tower construction is complete will an effort be made to haul the antenna up the access road to the tower site. As winter becomes spring, snow and ice theoretically become less of an obstacle to construction. However, at that point another environmental issue relating to construction may commence: while the onset of spring might appear to be helpful from a cold/ice/snow perspective in terms of the licensee's ability to haul the antenna up the heavily-switchbacked access road, the beginning of spring typically creates a different set of climate/environmental problems for the access road in the form of mud (from melting snow and ice and from rain) that makes heavy equipment transport very difficult. Indeed, the licensee has begun exploring the cost of road improvement materials such as gravel in order to improve the passability of the road by the heavy trucks hauling large, heavy loads such as WLFG's 53-foot long post-transition antenna. While the vendor responsible for the tower construction and antenna installation is cautiously optimistic that delivery of these components of WLFG's repack project will be possible notwithstanding the potentially poor condition of the access road and existence of the switchbacks, we will know with certainty only after the equipment actually successfully arrives at the tower site.

Based on the descriptions above, it would appear feasible to complete WLFG's repack project by the April 12, 2019, Phase 2 deadline. However, a closer examination of the situation reveals that the favorable schedule discussed above leaves only about three weeks' worth of "wiggle room" for the project, which is a period of time that could easily be negated by a significant snow or ice event. It is important to understand that if a tower crew has to suspend tower construction work due to weather, it does not necessarily mean that the tower crew will immediately continue the work as soon as the conditions return to favorable; instead, it is common practice for a tower crew facing a multi-day weather/climate delay at one site to move on to another client's site in order to remain productive and try to keep the nationwide transition on schedule. Thus, a relatively brief (2-3 day) weather/climate delay at WLFG could become a 2-week delay if the tower crew has moved on to

work on another project and doesn't return to WLFG until after the other project is complete. While these weather/climate concerns are unpredictable and unknowable, they are not merely theoretical.

Indeed, access to the site has been hampered since November 2018 (a month before the calendar says it's winter!) when snow and ice began regularly appearing on the mountain and on the heavily-switchbacked road that serves as the sole means of delivery to the tower site. The weather has been such that even the digging and pouring of the foundations for the new tower would not have been feasible. On the next page are two images. The first image, which was taken November 27, 2018, on the access road to the WLFG tower site, shows the results of a pre-winter ice storm (including the destruction of the tree in the photo), while the second image provides some indication of the severity of the snowstorm that occurred in early December. Indeed, on December 10, 2018, one of the licensee's employees reported thirteen inches of snow at WLFG's studio in nearby Abingdon, Virginia, and estimated eighteen inches on the mountain. That employee reported that he attempted to access the tower site "but fell short of getting to the first switchback even with chains." (That employee was in the process of securing rental of porta-john facilities for use by the crews that will be working on the WLFG repack project at the tower site.) Thus, continuous work at the site has been effectively impossible since late November 2018.



Abingdon, VA ► Alerts in Effect

ALERTS IN EFFECT

Winter Storm Warning

Issued at 03:49 Saturday 08 December 2018

Widespread precipitation will move into the area today as a strong low pressure system approaches the area. Temperatures will be cold enough across northeast Tennessee, northern Plateau, southwest Virginia, and southwest North Carolina for precipitation to begin as a mixture of rain, snow, and sleet in lower elevations, with mainly snow in the mountains. The best lift and moisture will arrive late tonight and continue through Sunday morning, with significant snow accumulations possible, especially across the far east Tennessee Mountains. Snow will begin to taper off on Monday.

* WHAT...Heavy snow expected. Total snow accumulations of 3 to 7 inches expected.

* WHERE...Portions of East Tennessee and Southwest Virginia including the Tri-Cities area.

* WHEN...From 7 PM this evening to noon EST Monday.

* ADDITIONAL DETAILS...Travel could be very difficult to impossible. The hazardous conditions could impact the morning commutes.

In the event that construction of WLFG's full repack facility is not possible by April 12, WLFG has little choice other than to seek an extension of time and/or go silent. WLFG has included an interim facility in its transition plan, but the same issues that have caused the need for construction of a new tower also effectively prevent WLFG from hanging an interim antenna on the existing tower. All iterations of WLFG's Form 399 submitted since late September 2018 (LMS File No. [0000028111](#)) have included an explanation of the tower situation and the transition plan, and rather than restate them here we are incorporating them by reference. Fundamentally, the same issues that make it difficult (and prohibitively expensive) to determine if the existing tower can hold a new Channel 14 post-transition antenna make it difficult (and prohibitively expensive) to determine if the existing tower can support a Channel 14 post-transition antenna for interim operations. In addition, by the time the licensee would know for sure whether an interim facility would be necessary, it is likely to be too late to order, ship, and install an interim antenna. Thus, an interim facility is not likely to be a viable option for WLFG to meet the April 12 Phase 2 deadline.

In the event that all relevant conditions remain favorable for the next three months, WLFG's repack project will likely be complete by the April 12 transition deadline, subject to the Channel 14 land mobile condition identified in the CP as discussed in WLFG's third quarter 2018 Transition Progress Report (reprinted below). However, WLFG is currently uncomfortable with the degree of likelihood of success, and has commenced a dialog with Commission Staff about WLFG's repack project. The licensee intends to keep the Commission Staff apprised of relevant weather/climate challenges and progress on the project's various installation and construction elements over the next several weeks so that an informed decision may be made before March as to the likelihood of completion of the project by April 12.

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Reprint of Narrative from Third Quarter Transition Progress Report

October 2018:

In early September 2018, the licensee filed an updated Form 399 containing a significantly revised repack construction plan for WLFG. As discussed in much greater detail in the Form 399, WLFG's repack plan now calls for construction of a new (replacement) 199-foot tower (including appurtenances) at the WLFG tower site.²

In furtherance of WLFG's revised transition plan, the new tower has been ordered as have been the new antenna, transmitter, and transmission line. Although the new tower erection has not yet been scheduled, preliminary indications from the vendor suggest that the tower (assuming cooperative weather and tower crew availability) could be completed in time for WLFG to complete its repack construction by the Phase 2 April 12, 2019, deadline. It should also be noted that, given

² In the "Tower Studies" portion of the "Permits and Tower Studies" section of the instant third quarter Transition Progress Report, the licensee states that (i) structural tower studies are required for the station to construction its post-auction facility, (ii) structural tower studies have been started, and (iii) structural tower studies have been completed. For a complete discussion of the challenges of performing a rigorous structural study of WLFG's existing tower, please see the version of WLFG's Form 399 filed on September 5, 2018, in File No. [0000028111](#).

the location of the transmitter site on a mountain at an altitude of 1274 meters (4180 feet) above sea level and the fact that most of the work will need to take place during autumn and winter months, weather and climate conditions will play a large—perhaps dispositive—role in determining whether WLFG will be able to timely complete construction of the new tower and the post-transition Channel 14 facility. Given this uncertainty and the uncontrollable nature of the weather, combined with the lack of a firm tower erection date, there is a significant likelihood that (i) WLFG’s initial post-transition operations will be at reduced power using an interim facility (the licensee continues to maintain a contingency plan to construct an interim facility for temporary post-transition Channel 14 operations) and (ii) the licensee will need to file for a 180-day extension of WLFG’s repack CP, pursuant to *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Transition Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858 (2017), at ¶¶ 40 – 45.

In addition, the licensee continues to take affirmative steps to protect against Channel 14 land mobile interference. WLFG’s technical consultants have recommended certain technical solutions be built into the post-transition Channel 14 facility to mitigate the potential for interference to existing land mobile facilities. In addition, WLFG has already taken several steps to ensure it meets the Channel 14 land mobile condition on the repack CP, including (i) the hiring of an expert consultant who has reported that interference to land mobile operators is unlikely (though a limited number of land mobile operators may experience receiver overload), (ii) the retention of a consultancy service to provide advance notification to potentially affected land mobile operators, and (iii) the development of contingency plans to provide filters to affected land mobile operators.

While WLFG is optimistic that its Channel 14 land mobile interference plans and efforts will result in mitigation of interference to applicable land mobile operators, the extent of any land mobile operations that may create interference cases may not be known until WLFG begins operating under Program Test Authority, which may cause the station to be challenged to identify and resolve any such issues during Transition Phase 2’s testing period. First, WLFG’s ability to initiate testing is, as stated above, dependent on a number of contingencies that may push the commencement of operations later in the Phase 2 testing period. Second, the testing period for Transition Phase 2 will generally occur during the winter season, which may make it difficult—because of the likelihood of adverse weather in this mountainous region, in addition to the scheduling challenges of the holiday season—to get the attention and cooperation of land mobile operators to work with the station to try filters and other possible remedies for any interference situations. Moreover, for the reasons described above, since there is a reasonable chance that WLFG will commence its post-transition operations using an interim facility, WLFG’s ability to comply with its Channel 14 land mobile interference remediation may be delayed as the full scope of interference (and mitigation) may not be apparent until after WLFG moves its operations from the interim facility (if needed) to the final CP facility, which may occur after the Transition Phase 2 deadline.

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