

## The Need for a Six-Week Special Temporary Authority

Background: Nearly a year ago 3 licensees were a party to a Mutual Interference Agreement that allowed each of the low band VHF stations to increase power to the rough equivalent of 34kw. The Agreement made provision for each of the stations to effectuate the change in power within one year's time frame. Under the terms of the Agreement, should a station in the group not meet the deadline, i.e., be ready to implement the power increase within the one year time frame, the other stations in the group may take advantage of the higher power once the one year mark has passed.

The stations in the group are WDPN (formerly KJWP), WACP and WJLP. Another applicant in the proceeding, WVIR, was told to apply for the upgrade once they could show their move to low band VHF from UHF would have a negative impact on their coverage. As it currently stands, we have been told both WDPN and WACP will be increasing power on or about June 4, 2019 as per the agreement. In the cases of WDPN and WACP, all that is required to meet the higher power level of 34kw is to replace the existing transmitters. In the case of WJLP, however, the upgrade requires building out an entirely new transmission plant at a different location (World Trade Center in New York).

Once the Agreement was signed and the Commission issued construction permits for the buildouts, WJLP immediately went to work, ordering new antenna systems, transmitters, transmission line and system equipment, much of which has arrived and is in storage ready for installation. WJLP also hired professional structural and RF engineering firms to complete the extensive, required documentation for submission to the Port Authority of New York and New Jersey for approval of various phases of the project.

Despite its best efforts to complete the project before the aforementioned June 4<sup>th</sup> date, it is now almost certain that the completion will not be achieved before early fall of this year. The reasons for the delay are numerous but two in particular stand out: (i) the Port Authority severely limits the number of crews that can work on the facility to two, and (ii) WJLP's relocation effort coincides with the efforts of many New York stations which are simultaneously working to meet the Phase 4 deadline for Repack at the same site. The dearth of available tower crews is also an issue since, as the Commission is aware, the nation's tower construction capacity has been severely taxed by the massive repacking effort which must be completed in a relatively short time frame. WJLP has been doing everything in its own control to hasten the relocation of its station to the WTC, but the many challenges to achieving an August 2 on-air date have proved insurmountable.

This unique set of circumstances has placed WJLP in a predicament not shared by the other stations in the market. Stations in Phase 4 of the Repack must be ready to change to their permanent channels on August 2. A common date was chosen by the FCC so as to minimize inconvenience to the public by having to rescan their television sets only once. For the reasons set forth above, WJLP cannot be ready with a full power facility at the WTC location by that date. At the same time, the stations to the south that are parties to the aforementioned agreement

will be operating at the new power level of 34kw while WJLP will still be 3 miles north of its permanent authorized location operating under an existing STA at only 15 kW. Those two considerations should not be taken lightly, as WJLP's primary mission is to serve residents of New Jersey, where virtually all the disparity in power and resultant interference will take place.

The unfortunate and unavoidable result of this confluence of factors is that residents of large areas of New Jersey that normally would have no trouble having WJLP rescanned on their sets will now, without the requested short-term relief, be denied that opportunity. The New York – New Jersey stations will be alerting viewers as August 2 approaches of the need to rescan their sets in order to continue viewing their favorite channels over the air. We therefore anticipate that the public will be engaging in the rescan process from shortly before August 2 and for a few weeks thereafter. A station that is not accessible over the air during that rescan window will likely not be picked up by viewers TV sets, and the viewers are unlikely to – and should not be compelled to – rescan their set again once WJLP is up and operating at its permanent location.

This problem can be significantly remediated by the brief six week STA requested here. By increasing power as described in the engineering exhibit during the heart of the rescan period, WJLP's signal will be identified and stored in viewers' sets as an available over-the-air channel. The station will then be readily viewable without a rescan once the permanent installation at World Trade Center is complete in the early fall. WJLP viewers already have considerable difficulty figuring out how to receive WJLP over-the-air given the issues which the station has outlined to the Commission in the past (confusing antennas that do not receive low band VHF signals combined with the UHF PSIP channel assignment which WJLP bears). Viewers should not be further challenged by a need to engage in multiple rescans.

WJLP has diligently served and continues to serve the programming needs of New Jersey with Emmy Award winning news and public affairs programming. The need for such local programming is as urgent now as it was when the station went on the air in 2014. The Commission has consistently recognized, as it did during the DTV transition, that viewer education and cooperation in transitions such as repacking are essential to the success of the process. Without question, ensuring that viewers are able to perform only a single rescan in order to enable their ability to reach all stations in their service area is a high public interest expedient toward accomplishing the orderly transition to the new channel plan.

The short term STA described in the attached engineering exhibit is intended to briefly authorize WJLP to effectively replicate the power of WJLP to the south from its licensed site at 4 Times Square as if it were broadcasting from its CP site at World Trade Center. As the 4 Times Square non directional antenna is 3 miles north of WTC, this will cause some degree of predicted coverage to extend beyond that of the authorized WTC contour to the north. But as is shown, this "bulge" will cause no interference at all to other co or adjacent channel stations.

The implementation of this very temporary increase in power is itself complicated and expensive since it requires multiple installation changes on the top of two very tall buildings. The crews necessary to change out the transmitters involved must be secured quickly or the window to effect the switch will be lost. WJLP nevertheless believes this effort is essential if the viewers in

New Jersey are to have access to the one station in the market that is devoted to their needs. The six-week period of the requested STA (specifically, July 26, 2019 to September 6, 2019) is intended to be just long enough to capture both early scanners one week before the August 2 date and later scanners who because of summer vacations or other delays in recognizing the need to rescan do not perform this action until a few weeks after the cut-over date. The briefest time necessary to accomplish the goal is being requested in deference to the Commission's normal processes.