**Request for Extension of Time to Construct WUNJ-TV's Full CP Facility**

Pursuant to Section 73.3700(b)(5)(iv) of the Commission's Rules, The University of North Carolina ("UNC-TV" or the "licensee" or "applicant"), licensee of WUNJ-TV, Wilmington, North Carolina (Fac. ID No. 69332) ("WUNJ-TV"), respectfully requests an extension of time to complete construction of its full, authorized post-transition facilities, i.e., the facilities specified in WUNJ-TV's repack construction permit ("CP") issued in LMS File No. 0000025131 as modified in LMS File No. 0000034442.

With respect to the applicant's request to extend the deadline for construction of WUNJ-TV's full post-transition repack CP facility (*see* LMS File Nos. 0000025131 and 0000034442), Rule Section 73.3700(b)(5) authorizes the Media Bureau to grant a "reassigned" station (such as WUNJ-TV) an extension of time to construct its full repack facilities of up to 180 days for a variety of reasons, which

> include but are not limited to:
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> (A) Weather-related delays, including a tower location in a weather-sensitive area;
> (B) Delays in construction due to the unavailability of equipment or a tower crew;
> (C) Tower lease disputes;
> (D) Unusual technical challenges, such as the need to construct a top-mounted or side-mounted antenna or the need to coordinate channel changes with another station; and
> (E) Delays faced by licensees that must obtain government approvals, such as land use or zoning approvals, or that are subject to competitive bidding requirements prior to purchasing equipment or services.

47 C.F.R. § 73.3700(b)(5)(ii). *See also Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858 (2017), ¶ 41.

From the beginning of UNC-TV's repack plans, the licensee has consistently expressed that its "compound, complicated lodestar for this entire repack enterprise is timely completion of the repack with full compliance of all applicable state and federal regulation while—most importantly—keeping the station operating with as much coverage areas as possible with the least possible negative impact to viewers." *See, e.g.*, LMS File No. 0000031467 (third quarter 2017 Transition Progress Report); *see also* WUNJ-TV's Transition Progress Reports for Each Quarter Between Fourth Quarter 2017 and the Present. To avoid reiterating all of the bona fides in this application, the licensee hereby incorporates by reference all relevant references to its interim facility operations plans from Transition Progress Reports and Form 399 submissions. In short, the principal reason affecting the licensee's ability to fully construct the full, final WUNJ-TV post-transition facility by the CP's September 6, 2019, deadline is the combination of (i) the state-

imposed governing procurement requirements and (ii) the need to continue to continually serve as much of the viewing audience as possible while replacing the station's top-mount antenna in a timely fashion. Thus, the licensee's plan to (i) use interim facilities to meet the September 6, 2019, transition deadline and (ii) complete its final transition several months after the Phase 5 deadline are in respect of the law, practical vendor capabilities, and—most importantly—the need and desire of viewers to have uninterrupted service to the station's noncommercial programming throughout the mandatory transition. Taken together, the inputs behind WUNJ-TV's need to extend its repack CP meet the description(s) of the type of situations referred to in 73.3700(b)(5)(ii)(D) & (E).

More specifically, in order to continue station operations during the switch-out of WUNJ-TV's top-mount antenna (from pre-transition to post-transition), it will be necessary to first install a side-mount interim/auxiliary antenna to prevent tower workers from being exposed to excessive levels of nonionizing radiation during the repack construction process. Accordingly, as the Commission Staff is aware from prior filings, WUNJ-TV will be transitioning to its post-transition channel on interim facilities. Because WUNJ-TV's transition plan contemplates successful termination of pre-transition channel operations by the Phase 5 deadline (and cutover to the interim antenna facility to effectuate the timely channel change), the extension of WUNJ-TV's repack CP will not affect the nationwide transition.

Accordingly, the applicant requests an additional 180 days (i.e., until March 4, 2020) to construct its full, authorized repack CP facilities. Please note: as of the date of this filing, it is unclear whether six months of additional time will be enough to complete construction of WUNJ-TV's full repack CP facility; the licensee has made clear to its vendors that the full, final top-mount post-transition facility's construction must be completed by the end of the 180-day extension period, but the vendors' actions and accomplishments are, as a *practical matter*, beyond the ultimate control of the licensee. Finally, to be clear, at an appropriate time after the filing of this CP extension request, the licensee will file a request for Engineering STA for post-transition channel 21 operations using interim facilities.

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