

WATC-DT
Request for Partial Waiver of MVPD Notification Requirement

Community Television, Inc., licensee of WATC-DT, Atlanta, Georgia (Fac. Id. 13206), hereby requests a partial waiver of the FCC's post-incentive auction MVPD notification requirements, as set forth below.

WATC was reassigned from channel 41 to 34 in the post-incentive auction repack of television channels, with a channel transition in Phase 5 ending September 6, 2019. Accordingly, WATC's Channel 34 construction permit (LMS 0000034436) has a September 6, 2019 deadline as well. WATC has scheduled all work, including technicians and tower crews, to complete construction this summer, with a planned on-air date of September 6, 2019.

The FCC's post-incentive auction transition requirements for repacked stations includes a requirement to provide written notification to station MVPD's of the details and timing of a station's channel change so that MPVDs can make any necessary technical changes to receive and provide the station's new channel to subscribers. Section 73.3700(d) of the Commission's rules requires that MVPD notifications be sent by reassigned television stations not less than 90 days prior to commencing post-auction channel operations. For WATC, the 90-day deadline to send MVPD notifications was June 8, 2019. WATC did not send those notices until seven days later, on June 15, 2019.

WATC is a non-commercial station, with limited staff and engineering resources. It has diligently complied with the requirements for reassigned stations, filing applications and reports when necessary, ordering all necessary equipment, and working with and scheduling vendors to ensure a timely transition and minimal interruption to viewers. Unfortunately, the June 8, 2019 deadline was overlooked due to the station staff's other time-consuming transition related planning and efforts prioritizing actual construction details to ensure the channel change occurs on time. If, because of the late MVPD notification, WATC's transition was delayed by seven days until September 13, 2019, it would be necessary for WATC to (i) cease on-air operations on existing channel 41, (ii) seek an extension of its Channel 34 construction permit, and (iii) reschedule technicians whose schedules are inflexible due to other post-auction transition jobs/demands, and who may not be able to return to the site for some time. Further, a transition after the Phase 5 deadline would create a need for market viewers to complete an additional rescan in the market after Phase 5 is complete. The end result of a delay would be a waste of resources, a loss of ability to serve station viewers, and a disruption that may result in a permanent loss of viewers.

Considering the potential disruption and impact on viewers, and possible loss of vendors that would jeopardize timely completion of the channel change, WATC respectfully requests a partial waiver of the 90-day MVPD notification requirement and recognition of its 83-day notice as sufficient. WATC pledges to engage in further outreach to notified MVPDs to ensure that the loss of the seven days does not preclude their ability to transition WATC on their systems, and offer any assistance that may be necessary.