

REQUEST FOR STA AND REASSIGNMENT OF TRANSITION PHASE

WLPC LLC (“WLPC”), licensee of WLPC-CD, Redford, MI (Facility ID No. 168471) (“Station”), seeks special temporary authority (STA) for the Station to continue to operate on its pre-Incentive Auction facilities (Ch. 40) after the Transition Phase 3 deadline for the Station to move to its post-Incentive Auction facilities (Ch. 28) on June 21, 2019. WLPC further requests that the Station be reassigned to Transition Phase 6, which has a transition deadline of October 18, 2019. Pursuant to the *Closing and Reassignment Public Notice*, the Station has been assigned to Transition Phase 3, for which the Phase Completion Date is June 21, 2019.¹ However, because of a pending Commission adjudicatory proceeding and its resultant uncertainty, the Station has been unable to complete its repack transition process and will not be able to meet the Phase 3 deadline. Therefore, WLPC respectfully requests that the Station be reassigned to Phase 6 and granted an STA allowing it to continue operating on Ch. 40 after June 21, 2019 until October 18, 2019.

The *Transition Scheduling Adoption Public Notice* permitted stations to propose modifications to transition deadlines and held that a request to modify a station’s transition deadline would be viewed favorably if the request is “otherwise compliant with [FCC] rules and [has] little or no impact on the phase assignments or transition schedule.”² In other

¹ *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 Red 2786 (WTB & MB 2017) (“*Closing and Channel Reassignment Public Notice*”).

² *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, 913 ¶ 51 (MB 2017) (*Transition Scheduling Adoption Public Notice*), citing *Incentive Auction Task Force and Media Bureau Seek Comment on Post-Incentive Auction Transition Scheduling*

words, the Commission anticipated that there may be delays in the transition process for individual stations,³ and the Commission specifically contemplated allowing repacked station to seek transition extensions in circumstances that would not significantly impact the transition process.⁴ As demonstrated below, the Station's situation is just such a circumstance.

As noted above, the Station is currently involved in an adjudicatory proceeding before the Commission. The Station is currently working to provide relevant information to Commission staff to resolve the pending issues. Specifically, the uncertainty regarding the adjudicatory proceeding and uncertainty regarding reimbursement of the Station's repack expenses prevented the Station from completing its transition process. For example, the Station has not been able to schedule a tower crew that can install the Station's new antenna prior to the Phase 3 deadline on June 21, 2019.

Grant of an STA and transition phase reassignment will serve the public interest by facilitating an orderly and efficient transition without forcing the Station to go off the air. The Station provides inspirational, educational, and entertaining religious and other unique programming to viewers in the Detroit area. Moreover, extension of the Station's transition to

Plan, Public Notice, 31 FCC Rcd 10802 (MB 2016) ("*Transition Scheduling Proposal Public Notice*").

³ *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, Public Notice, 33 FCC Rcd 8240, ¶ 12 (Rel. Aug. 27, 2018).

⁴ WLPC is not filing a separate request for an Extension of Construction Permit (Schedule 2100, FCC Form 337) based on its communications with staff. It is WLPC's understanding that should it be reassigned to Transition Phase 6, its construction permit will automatically be extended to October 18, 2019 (the Phase 6 deadline). However, to the extent that it is necessary, WLPC asks that this filing also be treated as a request to extend its construction permit (File No. 0000069220) to October 18, 2019.

Ch. 28 will not delay the repack nor will continuing to operate the station on its pre-auction channel (Ch. 40) have any negative impact on the overall transition nor any specific stations. While the Station's transition process has been delayed, WLPC has been in contact with T-Mobile regarding its intent to begin 600 MHz operations in the Station's area, and T-Mobile has informed WLPC that a short delay of the Station's post-Auction transition will not impact T-Mobile's 600MHz deployment plans. *See* emails attached hereto at Exhibit A. Thus, it is not in the public interest for the Station to go dark, even temporarily, when reassignment to Transition Phase 6 will not adversely impact the transition schedule.

The Station will not cause new interference to any other broadcast stations as a result of the proposed transition phase reassignment. In addition, to the extent that the Station experiences any new interference (which is not aware of at this time) above the temporary allowable increase (up to 2%) due to its requested reassignment to Phase 6,⁵ the Station is willing to accept a *de minimis* further increase beyond 2% for the short period needed to complete its transition. It is, therefore, in the public interest to allow the Station to continue its service to Detroit during this STA and transition phase reassignment.

Impact to Viewers: WLPC believes any disruption to viewers resulting from the Station's delayed transition will be minimal. The Station already has been working to educate its viewers about the upcoming channel change throughout this period. The Station will quickly revise any consumer-facing education or notification materials to inform viewers of the revised transition date, and it will continue to conduct community outreach to emphasize the change and provide rescan instructions.

Conclusion:

⁵ *Transition Scheduling Adoption Public Notice*, at ¶ 16.

In sum, because grant of this waiver will ensure the goals of the Incentive Auction are met while having only a temporary, minimal impact on the post-Auction transition and ensuring the Station's over-the-air programming is not interrupted, this STA and transition phase reassignment are in the public interest and should be granted.

Exhibit A

Seth Williams

From: Seth Williams
Sent: Thursday, June 20, 2019 3:53 PM
To: Seth Williams
Subject: FW: repack of WLPC-CD by June 21, 2019 (Phase 3)

From: "Hewett, Scott" <Scott.Hewett1@T-Mobile.com>
Date: 6/19/19 5:39 AM (GMT-08:00)
To: Glenn Plummer <pastorplummer@aol.com>
Cc: Francisco Montero <montero@fhhlaw.com>
Subject: RE: repack of WLPC-CD by June 21, 2019 (Phase 3)

Glen,

Yes, I can confirm that T-Mobile will not oppose the WLPC request to repack in Phase 4.

-Scott

Scott Hewett
National Outreach – Spectrum Management



Check out: HowMobileWorks.com

12920 SE 38th Street | Bellevue, WA 98006
603.930.7268 | Scott.Hewett1@T-Mobile.com

From: Dr. Plummer <pastorplummer@aol.com>
Sent: Wednesday, June 19, 2019 1:01 AM
To: Hewett, Scott <Scott.Hewett1@T-Mobile.com>
Cc: Francisco Montero <montero@fhhlaw.com>
Subject: Re: repack of WLPC-CD by June 21, 2019 (Phase 3)

[External]

Dear Scott:

Thanks for your call today advising me that T-Mobile will not object to our extension request to go to Phase 4. As I mentioned, Phase 4 completion date is August 2, 2019 and we will have no problem meeting that date. It's about a 5-week Extension.

Would you please send us an email first thing in the morning confirming that T-Mobile will not object to this brief delay.

Thanks so much,
Dr. Glenn R. Plummer
CEO - WLPC DETROIT
313-848-4628

On May 24, 2019, at 11:06 AM, Dr. Plummer <pastorplummer@aol.com> wrote:

Dear Scott:

To be clear, the tower antenna installers are not able to have our antenna installed before June 21. I'm not exactly sure that the current antenna installed will work correctly as you and I discussed so there's a possibility of a delay. We don't think the delay will be more than 30-45 days.

Dr. Glenn R. Plummer
CEO - WLPC DETROIT
313-848-4628

On May 24, 2019, at 10:21 AM, Hewett, Scott <Scott.Hewett1@t-mobile.com> wrote:

Hi Glenn,

This note is to confirm our conversation yesterday, that T-Mobile cannot support WLPC-CD repacking any later than its FCC Phase 3 completion date of June 21, 2019.

Regards,
Scott

Scott Hewett
National Outreach – Spectrum Management
<image001.png>
Check out: HowMobileWorks.com

12920 SE 38th Street | Bellevue, WA 98006
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