

**WPFO Waterville, Maine (Fac. Id. No. 84088)  
Amended Request for Waiver/Change of Phase Assignment**

**Amended Request for Waiver of Phase Assignment**

Portland (WPFO-TV) Licensee, Inc., the licensee of WPFO, Waterville, Maine (Fac. Id. No. 84088), hereby respectfully files this amended request for a waiver of the post-Incentive Auction Transition Phase assignment and corresponding testing dates and construction completion deadlines for WPFO. WPFO was assigned to Transition Phase 3 pursuant to the Closing and Reassignment Public Notice.<sup>1</sup> WPFO now requests re-assignment to Transition Phase 4 because construction of its post-transition facility has been delayed by circumstances outside of its control.

Station WPFO shares a tower with WGME, Portland, Maine, both of which are assigned to Transition Phase 3. Due to unforeseen antenna installation complications with tower crew scheduling because of upstream weather delays, the tower crew is late getting to the site to complete the tower work, and the Station has been unable to install its antenna. Despite the hope that the installation could be completed in a timely manner, difficulties associated with installing the antenna for WGME has prevented WPFO from completing construction by the Transition Phase 3 deadline of June 21, 2019. The station therefore seeks a modest waiver of two weeks to complete the installation of the station's antenna.

WPFO is part of a linked set -- WPFO has a downstream link with WIPL, which is owned by ION Media License Company, LLC, a subsidiary of ION Media. If WPFO continues to operate on its pre-auction channel (Channel 23) it will cause interference to WIPL in excess of the temporary two percent (2%) pairwise interference permitted during the transition period.<sup>2</sup> WPFO and WIPL have agreed to an Interference Agreement (the "Interference Agreement") whereby WIPL has accepted the increased interference to its new post repack channel and WPFO has agreed to reduce ERP to 195kW (50% Power).

By switching to Phase 4, WPFO will become linked with WPXG-TV, Concord, NH (WPXG-TV), which is owned by ION Media Boston License, LLC, also a subsidiary of ION Media. As part of the Interference Agreement, WPFO and WPXG have agreed to accept some temporary increased pairwise interference and WPFO will reduce its effective radiated power on its pre-auction channel to 50%.

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<sup>1</sup> *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*).

<sup>2</sup> *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 Red 890 at 897, ¶ 16 (MB 2017) (*Transition Scheduling Adoption Public Notice*) (allowing temporary increased pairwise (station-to-station) interference of up to two percent during the transition period).

WPFO submits that the instant request to modify the phase assignment of WPFO to transition to its post-auction channel in Phase 4 satisfies the requirements for a waiver and is in the public interest. Accordingly, the grant of this request will serve the public interest by permitting WPFO to continue serving viewers while the station completes its transition to its post-repack channel.

In the *Transition Scheduling Adoption Public Notice*,<sup>3</sup> the Commission anticipated that there would be circumstances where a station would need to seek a waiver of the phase construction deadline, including authority to continue operating on its current channel. The Commission indicated that it would consider these requests on a “case-by-case basis,” by evaluating the impact to viewers and the transition schedule.<sup>4</sup> Briefly re-assigning WPFO to a later transition phase will allow it to stay on the air until it can move to its post-transition channel and ensure its viewers are not left without important programming.

The licensee submits that the instant request to modify the phase assignment of WPFO to transition to its post-auction channel in Phase 4 satisfies the requirements for a waiver and is in the public interest. Accordingly, the grant of this request will serve the public interest by permitting WPFO to continue serving viewers while the station completes its transition to its post-repack channel.

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<sup>3</sup> *Id.*

<sup>4</sup> *Transition Scheduling Adoption Public Notice*, ¶ 49.