

EXHIBIT SUPPORTING WAIVER
OF PHASE ASSIGNMENT, TESTING PERIOD, AND PHASE COMPLETION DATE
WGBO-DT

WGBO License Partnership, G.P. seeks waiver of the post-Incentive Auction Transition Phase assignment, and corresponding testing dates and construction completion deadlines, for WGBO-DT, Joliet, IL (Facility ID No. 12498) (“Station”). Pursuant to the *Closing and Reassignment Public Notice*,¹ the Station has been assigned to Transition Phase 8, for which the Phase Completion Date is March 13, 2020. The Station seeks to transition the Station early in Phase 6, with expected transition completion on or before October 18, 2019.

The *Transition Scheduling Adoption Public Notice* permitted stations to propose “alternative transition solutions that could create efficiencies,” and held that a request to modify a station’s transition deadline — including by moving to an earlier phase — 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 As demonstrated below, the Station’s instant request qualifies for such favorable treatment.

The FCC may grant a waiver for good cause shown.³ A waiver is appropriate where the

¹ See 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 Rcd 2786 (WTB & MB 2017).

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 Plan*, Public Notice, 31 FCC Rcd 10802 (MB 2016) (*Transition PN*).

³ 47 C.F.R. § 1.3.

particular facts make strict compliance inconsistent with the public interest.⁴ In considering a waiver, the FCC may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁵ Such a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁶

As demonstrated herein, good cause exists for waiver of the assigned Transition Phase and its attendant testing and completion dates because it will serve the public interest by facilitating an orderly and efficient transition to more swiftly deliver new wireless broadband services to the public while minimizing impacts on broadcast television viewers and post-auction transition resources. Specifically, if Station is permitted to complete its transition early in phase 6 in conjunction with W40CN and WCPX-TV then all but one station in the Chicago DMA will transition in phase 6. This will reduce the amount of rescanning consumers will need in the Chicago DMA. Additionally, moving early will allow T-Mobile, a winning 600 MHz wireless licensee will be able to deploy new competitive wireless broadband service to people of the Chicago, IL market up to five months earlier than scheduled.

Interference. The Station has undertaken an engineering analysis (see attached interference analysis from du Treil, Lundin, & Rackley, Inc.) to determine that no new interference will be created or received by the proposed early transition of the Station beyond the permissible 0.5%

⁴ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁵ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

⁶ *Northeast Cellular*, 897 F.2d at 1166.

rounding level of interference allowed by the FCC. The Station has four dependencies and must move after stations WNIT (35-31, Facility ID 41671), WLPD-CD (35-32, Facility ID 189058), WISN-TV (34-28, Facility ID 65680), and WEDE-CD (39-20, Facility ID 66978) within the Phase 6 test period, to avoid any interference issues. WBGO will not transition before these stations have vacated their prior channel assignments. The Station is not part of any Linked Station Set or Linked Station Neighbor. The early transition will not create any pairwise interference cases or new Linked Station Sets.

Impacts to Transition Plan. The proposed transition will permit better utilization of resources by engaging vendors and service providers early in the process and coordinating with the Chicago market rather than have them potentially overloaded further in the overall transition. The Station has consulted with equipment manufacturers, vendors, site lessor, engineers, and tower crews to ensure an orderly early transition. The Station will complete the transition using its final, permanent, transmission facilities as provided in the construction permit granted on March 16, 2018 (File No. 0000034007). The Station's transition plan includes use an interim wideband antenna to be shared with Phase 6 station WFLD (Facility ID 22211) and the Station is retuning an existing transmitter for repack operation. As the Station is utilizing equipment for earlier transition already in place or being installed for use by other broadcasters assigned to Phase 6, there is no impact to the transition plan. Once the final facilities are ready on Willis, the Station will transition to them.

Impact to Viewers. The Station believes any disruption to viewers will be minimized. The Station recognizes that its request for an early transition will not increase the total number of

times a viewer may need to rescan equipment in order to receive all reassigned stations in the Chicago, IL market. Under the original FCC transition plan there are two scheduled rescans for Station's DMA and the granting of the proposed early transition will not change the number of rescans. The two rescans are within the cap (2 rescans) established by the *Transition PN*,⁷ therefore, grant of the instant waiver is appropriate. The Station pledges to act to further mitigate any viewer disruption by increasing outreach education above and beyond the required public service announcements and crawls including utilizing the Station's digital and social media outreach to notify the Station audience of the proposed transition and provide detailed instructions on the rescanning process. This will ensure that viewers will be well informed of the transition.

The FCC previously granted WLS-TV's waiver request to also move from Phase 8 to 6.

MVPD Notification. Finally, the Station will start to take the necessary actions to ensure all impacted MVPDs are notified of the impending channel change at least 90 days prior to actual change.

In sum, grant of this waiver will facilitate a more effective and efficient implementation of the overall policy goals of the Incentive Auction and post-auction transition, and thus is in the public interest.

⁷ See *Transition PN* at ¶¶ 20 and 21.