

Request for Legal STA Waiver and Modification of Assigned Transition Phase for Station WVVH-CD, Fac. ID 70158, Southampton NY

Video Voice, Inc. ("VV"), the licensee and permittee of Station WVVH-CD, Fac. ID 70158, Southampton, New York, has been diligently proceeding to construct its CP for transition to Channel 18 since its modified CP for expanded facilities was granted on January 30, 2018. However, as VV will now show, its progress has been hampered by business, governmental, and construction company delays beyond its control.

On June 28, 2019, VV filed a CP Extension Application (File No. 75173) to extend its current CP, which expires on August 2, 2019, for six months. VV wishes to continue operating on its pre-transition Channel 50 until it is ready to transition to new Channel 18, and VV must therefore also file a Legal STA request to change its Assigned Transition Phase. Station WVVH-CD is currently in Transition Phase 4, which expires on August 2, 2019. **For good cause shown, VV now respectfully requests that WVVH-CD should be assigned to Phase 7, which expires on January 17, 2020.**

VV's CP construction has involved a series of interrelated steps, and VV has been proceeding as expeditiously as possible. Importantly, it has ordered the required new transmitter and antenna for Channel 18, but the linchpin for bringing the project to completion was obtaining a new tower lease with American Tower Corporation. Lease negotiations had been proceeding for a number of months, but it was not until July 16, 2019 that VV finalized and signed its lease agreement with American Tower. This process took much longer than anticipated and is a condition precedent to obtaining electrical service from the utility company, PSEG-LI, which has a five-week turnaround time. These facts alone made it clear that VV could not meet its August 2, 2019 completion date, despite its best efforts.

VV will now attempt to expedite the process of obtaining new electrical service, and, related to that, Engineering Certifications can now be sought for the electrical and equipment installations. Likewise, VV will now be able to establish target dates for antenna rigging and transmitter installation. Finally, VV

needs time to receive reimbursement funds from the Federal Government to pay its vendors for equipment and services.

VV is hopeful that the remaining work can be accomplished within the next 90 days (by the end of October 2019), but it is requesting a Phase 7 transition deadline of January 17, 2020 out of abundance of caution. If WVVH-CD is ready to transition in November or December 2019, it will do so (with appropriate notifications).

Most importantly, VV's Engineering Consultant, Mr. Clarence Beverage, informed John Carson, T-Mobile's Senior Project Manager – Spectrum Management, on July 15, 2019 that the transition may take until January 17, 2020, and Mr. Carson responded by a July 15, 2019 e-mail memo to Mr. Beverage that "there are no concerns to this extension from us [T-Mobile]". Thus, VV has satisfied any concerns that the Commission might have about T-Mobile's acquiescence in this matter.

In addition, and also most importantly, VV emphasizes that the Commission publishes Phase assignment lists that show whether a station's transition is linked to any other station, and WVVH-CD has never been linked to another station and is still not linked – according to the latest June 2019 list. Thus, delaying WVVH-CD's transition until as late as January 2020 should not have any adverse effect on the Commission's overall transition plan. In other words, WVVH-CD moving late should not create any interference problem or require coordination with other stations.