

WHTN-TV, Murfreesboro, TN (Fac. Id. 11117)
LMS 0000034213 Construction Permit Extension Request

WHTN is moving from channel 38 to 16 in Phase 6 of the post-auction transition, and holds construction permit LMS 0000034213 for its channel 16 facilities (the “Permit”). A new antenna and transmission line must be installed for the channel 16 facilities. WHTN has all the equipment available but has just been informed by its tower crew that they are having serious project delays on other jobs and will not be able to complete the antenna and transmission line installation by the Phase 6 deadline of October 18, 2019. The crew is able to install a temporary antenna before the deadline, and in conjunction with this extension request, WHTN is simultaneously seeking temporary authority to operate a reduced height and power channel 16 operation to that it can vacate its post-auction channel by the Phase 6 deadline. In an abundance of caution, WHTN requests that this extension be granted for six (6) months.

Pursuant to 47 CFR §73.3700(b)(5), the deadline for WHTN to apply for an extension of the Permit was July 22, 2019. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *See Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). Waiver of the Commission’s rules is appropriate if (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *See id.* A waiver of the deadline is warranted for the reasons set forth below.

In this case, WHTN’s request for extension of the Permit was filed late because the tower crew did not notify WHTN of its project delays until well after the July 22, 2019 deadline had passed. Upon confirming the delay and quickly assessing equipment needs and devising a plan for an alternative, reduced power channel 16 antenna and operation, WHTN filed the extension. Given that the circumstances were out of its control, and the absence of an extension would cause WHTN’s Permit to expire and deprive the public of its post-auction full power television signal, a waiver of the July 22, 2019 permit extension deadline is warranted and respectfully requested.