

WYDO(TV), Greenville, NC (Fac. Id. No. 35582)
New Bern (WYDO-TV) Licensee, Inc.
Request for Waiver/Change of Phase Assignment

Request for Waiver of Phase Assignment

New Bern (WYDO-TV) Licensee, Inc., the licensee of WYDO(TV), Greenville, North Carolina (Fac. Id. No. 35582) (“WYDO”), hereby respectfully files this request for a waiver of the post-Incentive Auction Transition Phase assignment and corresponding testing dates and construction completion deadlines for WYDO. WYDO was assigned to Transition Phase 5 pursuant to the Closing and Reassignment Public Notice.¹ Pursuant to discussions with Media Bureau Staff, WYDO now requests re-assignment to Transition Phase 7.² Construction of WYDO’s facilities has been hampered by a lack of tower and transmitter crews. WYDO is currently coordinating the construction plans of its post-transition facility with Station WUNM-TV, Jacksonville, North Carolina (Fac. Id. No. 69444), located on the same tower, which is filing a similar request for a Phase Change to Phase 7. The parties plan to use the same tower crew to construct both stations’ interim facilities. WYDO submits (and WUNM-TV agrees) that the public interest with respect to efficient use of limited tower crew resources supports this request for a Phase Change from Phase 5 to Phase 7.

WYDO is currently licensed to operate on channel 47. The station was reassigned to channel 19 in the *Closing and Channel Reassignment Public Notice* and assigned to transition Phase 5, which has a phase testing period start date of August 3, 2019, and a phase completion date of September 6, 2019. WYDO has no downstream dependencies. As noted, WYDO shares a tower with WUNM-TV (in Jones County, North Carolina), and WUNM-TV will also file a Request for Waiver of Phase Assignment to move from Transition Phase 5 to Transition Phase 7. Moving WYDO to Phase 7 will provide efficiencies by allowing installation crews and other technical personnel to coordinate the repack for both co-located stations and the stations have coordinated with ERI to complete the tower work on the co-located tower. The instant Phase change request will also allow engineering and other resources to devote more time to assist other stations in changing to their post-repack channels by the Phase 5 deadline.

In the *Transition Scheduling Adoption Public Notice*,³ 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

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 The licensee originally filed an application requesting to change WYDO’s Phase from Phase 5 to Phase 10 (*See* LMS File No. 0000080400). Subsequent to discussions with Auction Task Force and MB Staff, that request was withdrawn on August 27, 2019.

³ *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 (MB 2017) (*Transition Scheduling Adoption Public Notice*).

Commission indicated that it would consider these requests on a “case-by-case basis,” by evaluating the impact to viewers and the transition schedule.⁴ Re-assigning WYDO to a later transition phase (Phase 7) 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 respectfully submits that the instant request to modify the phase assignment of WYDO to transition to its post-auction channel in Phase 7 instead of Phase 5 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 WYDO to continue serving viewers while the station completes its transition to its post-repack channel.

⁴ See *Transition Scheduling Adoption Public Notice*, ¶ 49.