

**WFGC, Palm Beach, Florida (Fac. Id. 11123)**  
**LMS 0000034361 Construction Permit Extension & Tolling Waiver Request**

WFGC holds a construction permit 0000034361 for post-auction channel 7 facilities (“Permit”), with an original expiration date of April 12, 2019. Because Palm Beach County had not issued a permit for the antenna installation by the Permit deadline, WFGC sought and obtained an extension of the Permit in 0000068466. WFGC ceased operations on its pre-auction channel 49 at the end of Phase 2, commencing operations on a temporary channel 7 antenna pursuant to STA 0000068464. Those operations continue today, and an extension of the STA has been requested.

During this Permit extension period, WFGC has worked diligently to complete construction by the new Permit deadline of October 9, 2019. Palm Beach County finally issued the necessary permit authorizing the full power channel 7 installation on May 31, 2019. The next day, WFGC contacted its tower crew and was able to secure a tentative installation of the antenna and transmission line for mid-September to early October, 2019. The tower crew recently advised WFGC that it could no longer make that scheduled installation date because of delays it has incurred on other jobs. WFGC’s Director of Engineering has attempted without success to hire other tower crews for an installation before the Permit expires, but none are available due to the shortage of tower crews and the current, frantic pace of post-auction channel changes. WFGC needs a further extension of the Permit so that it can reschedule a tower crew to perform the necessary work.

Stations needing additional time to construct beyond an initial 6-month extension period are directed to make showings under the Commission’s tolling restrictions set forth in 47 C.F.R. § 73.3598(b), or to seek additional time pursuant to a request for waiver of those restrictions due to rare and exceptional circumstances. *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, Public Notice, DA 18-884 (rel. Aug. 27, 2018) at ¶ 13 and n. 34. 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 further extension of the WFGC Permit and a waiver of the tolling restrictions is warranted because the delay in receiving the Palm Beach County permit, shortage of tower crews, and tower crew work delays are completely out of WFGC’s control, and present precisely the rare and exceptional circumstances contemplated by the FCC for further extension of permits beyond an initial 6-month extension period. WFGC’s diligent good faith efforts to complete the work on time have been to no avail. Given that the circumstances are rare and out of its control, and that the absence of an extension would cause WFGC’s Permit to expire and deprive the public of its post-auction full power television signal, a waiver of the tolling restrictions is warranted and respectfully requested. Given the waning reliability of tower crew commitments, WFGC seeks an additional six-month extension of the Permit to April 18, 2020 in an abundance of caution.