

Request for Extension of Time to Construct WUNF-TV's Full CP Facility

Pursuant to Section 73.3700(b)(5)(iv) of the Commission's Rules, The University of North Carolina ("UNC-TV" or the "licensee" or "applicant"), licensee of WUNF-TV, Asheville, North Carolina (Fac. ID No. 69300) ("WUNF-TV" or the "Station"), respectfully requests an extension of time to complete construction of its full, authorized post-transition facilities, i.e., the facilities specified in WUNF-TV's repack construction permit ("CP") issued in LMS File No. [0000029742](#).¹

With respect to the applicant's request to extend the deadline for construction of WUNF-TV's full post-transition repack CP facility (*see* LMS File No. [0000029742](#)), Rule Section 73.3700(b)(5) authorizes the Media Bureau to grant a "reassigned" station (such as WUNF-TV) an extension of time to construct its full repack facilities of up to 180 days for a variety of reasons, which

include but are not limited to:

- (A) Weather-related delays, including a tower location in a weather-sensitive area;
- (B) Delays in construction due to the unavailability of equipment or a tower crew;
- (C) Tower lease disputes;
- (D) Unusual technical challenges, such as the need to construct a top-mounted or side-mounted antenna or the need to coordinate channel changes with another station; and
- (E) Delays faced by licensees that must obtain government approvals, such as land use or zoning approvals, or that are subject to competitive bidding requirements prior to purchasing equipment or services.

47 C.F.R. § 73.3700(b)(5)(ii). *See also Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858 (2017), ¶ 41.

From the beginning of UNC-TV's repack plans, the licensee has consistently expressed that its "compound, complicated lodestar for this entire repack enterprise is timely completion of the repack with full compliance of all applicable state and federal regulation while—most importantly—keeping the station operating with as much coverage areas as possible with the least possible negative impact to viewers." *See, e.g.*, LMS File No. [0000031461](#) (third quarter 2017 Transition Progress Report); *see also* WUNF-TV's Transition Progress Reports for Each Quarter Between Fourth Quarter 2017 and the Present. *Until recently, UNC-TV has believed that*

¹ To the extent necessary, the applicant respectfully requests a waiver of the June 10, 2019, filing deadline for CP extension applications. At that time, the licensee continued to believe that WUNF-TV's full repack facility would be completed by the end of Phase 5, and only recently has it become clear that the channel cutover will need to occur using interim facilities.

construction of its full repack facility by the Phase 5 deadline was achievable, notwithstanding some delays—which were beyond the control of the licensee—that have occurred during the preparation and construction process. The nature of those delays is detailed in various Transition Progress Reports filed for WUNF-TV, and in the interest of brevity, they aren't being reiterated here.

Now, as a result of *additional* complications—including equipment delivery delays and unavailability of a tower crew with the requisite gin pole expertise²—it has now become clear that WUNF-TV's full post-transition facility cannot be constructed by the Phase 5 deadline, and the Station will need to transition to its post-Auction channel using interim facilities. As of this filing, installation of the interim facilities at WUNF-TV's Site #1³ is nearly complete.⁴

In short, the proximate cause affecting the licensee's ability to fully construct the final WUNF-TV post-transition facility at DTS Site #1 by the Phase 5 deadline is the delay in construction due to equipment delivery and tower crew availability issues, which is precisely the type of situation referred to in Section 73.3700(b)(5)(ii)(B). Thus, the licensee's new plan for DTS Site #1 is to (i) use interim facilities to meet the Phase 5 transition deadline and (ii) complete its final transition as soon as practicable after the Phase 5 deadline.

Because WUNF-TV's newly-revised transition plan contemplates successful termination of pre-transition channel operations by the Phase 5 deadline (and cutover to the interim antenna facility to effectuate the timely channel change), the extension of WUNF-TV's repack CP will not affect the nationwide transition.

Accordingly, the applicant requests an additional 180 days (i.e., until March 4, 2020) to complete construction of its full, authorized repack CP facilities at WUNF-TV's DTS Site #1. Finally, to be clear, roughly contemporaneously with the instant filing, the licensee is filing either a request for Engineering STA for post-transition channel 20 operations using interim facilities or an application for a construction permit for a channel 20 aux antenna, which is the antenna that will be used for interim facility operations.

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² While Hurricane Dorian has not yet had any direct, material impact on WUNF-TV's repack construction, the full effects of the storm will not be known until after the event is over; it is likely that tower crews will then be in *even higher demand* as they provide repair services in the aftermath of the storm, which may cause further delay in the final construction of WUNF-TV's DTS Site #1 facilities.

³ By Site #1, the applicant means the Station's new, post-transition DTS Site #1. The Station's pre-transition DTS Site #1 will continue operating until the date of WUNF-TV's channel cutover at the end of Phase 5.

⁴ UNC-TV anticipates no issues with completing its transition to the final facilities at WUNF-TV's DTS Site #2.