



Federal Communications Commission
Washington, D.C. 20554

September 3, 2019

University of North Carolina
PO Box 14900
Research Triangle Park, NC 27709

Re: Requests for Extension of
Construction Permit
WUNC-TV, Chapel Hill, NC
WUNJ-TV, Wilmington, NC
WUNL-TV, Winston-Salem, NC
WUNM-TV, Jacksonville, NC
WUNK-TV, Greenville, NC
WUNP-TV, Roanoke Rapids, NC
WUNU, Lumberton, NC
WUNE-TV, Linville, NC
WUNG-TV, Concord, NC
Facility ID Nos. 69080, 69332, 69360,
69444, 69149, 69397, 69416, 69114 and
69124
LMS File Nos. 0000074591,
0000074594, 0000074596, 0000074597,
0000074595, 0000074598, 0000074599,
0000074592 and 0000074593

Dear Licensees,

On June 7, 2019, the University of North Carolina (UNC), the licensee of Stations WUNC-TV, Chapel Hill; WUNJ-TV, Wilmington; WUNL-TV, Winston-Salem; WUNM-TV, Jacksonville; WUNK-TV, Greenville; WUNP-TV, Roanoke Rapids; WUNU, Lumberton; WUNE-TV, Linville; and WUNG-TV, Concord; all North Carolina (collectively Stations), filed the above captioned applications seeking extensions of the Stations' construction permit expiration dates. For the reasons below, we grant UNC's applications and extend the Stations' construction permit expiration dates 180 days to March 4, 2020.

Background. Pursuant to Section 73.3700(b)(5) of the Commission's rules, a station may request a single extension of its construction permit deadline of up to 180 days to complete construction of its post-auction facility.¹ Grant of an extension of the construction permit deadline does not alter the deadline by which a station must cease operating on its pre-auction channel. A station anticipating the need for an extension must submit an extension application using FCC Form 2100, Schedule 337, not less than 90 days before the assigned construction permit deadline.² For Phase 5 stations, such application was due by June 10, 2019. The application must demonstrate that the station is unable to complete

¹ See 47 CFR § 73.3700(b)(5). All subsequent requests for additional time to construct are subject to the Commission's tolling provisions, 47 CFR § 73.3598(b).

² 47 CFR § 73.3700(b)(5)(iv).

construction on time due to circumstances that were either unforeseeable or beyond the station's control.³

WUNC was repacked from channel 25 to 20; WUNE from channel 17 to 36; WUNG from channel 44 to 21; WUNJ from channel 29 to 21; WUNK from channel 23 to 25; WUNL from channel 32 to 33; WUNM from channel 19 to 28; WUNP from channel 36 to 27; and WUNU from channel 31 to 30. All of the Stations were assigned to transition Phase 5, which has a phase completion date of September 6, 2019. The Stations pledge to cease operation on their pre-auction channels by the September 6, 2019 deadline and operate interim facilities on their post-auction channels while they complete construction of their permanent post-auction facilities.⁴ All repacked stations for Phase 5 were issued a construction permit with an expiration date of September 6, 2019.

UNC states that the principal reason affecting its ability to timely construct the Stations' post-auction channel facilities is the combination of the state-imposed governing procurement requirements and the need to continue serve as much of each Stations' viewing audience as possible while replacing the Stations' equipment. UNC plans to cease operating on the Stations' pre-auction channels by the September 6, 2019 deadline and operate interim facilities while it completes the Stations' final post-auction channel facilities. UNC seeks 180-day extensions.

Discussion. Upon review of the facts and circumstances presented, we find UNC's requests to extend the construction permit deadlines to construct the Stations' post-auction facilities meet the requirements for a construction permit extension. UNC has demonstrated that extensions are needed because of state-imposed procurements requirements that have caused construction delays. We also find that grant of these extension requests is not likely to negatively impact the overall transition schedule. The Stations will cease operations on their pre-auction channels by the September 6, 2019 deadline and will operate interim facilities on their post-auction channels. To the extent some viewers are unable to receive the Stations' signals while they operate interim facilities, we believe that UNC has every incentive to ensure viewers are fully informed about the Stations' transition plans.

We remind UNC that pursuant to the Spectrum Act, the Station is eligible for reimbursement from the TV Broadcast Relocation Fund (Fund) of costs "reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other."⁵ Additional expenses incurred, for instance, as a result of the grant of changes in the Station's transition plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund.

³ The *Incentive Auction R&O* provides examples of six circumstances that might justify an 180-day extension of a station's post-auction construction permit: (1) weather related delays; (2) delays in construction due to the unavailability of equipment or a tower crew; (3) tower lease disputes; (4) unusual technical challenges; or (5) delays caused by the need to obtain government approvals, such as land use or zoning approvals, or to observe competitive bidding requirements prior to purchasing equipment or services; and (6) financial hardship with sufficient supporting evidence. See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268 et. al., Report and Order, 29 FCC Rcd 6567,6804-05, paras. 581-2 (2014) (*Incentive Auction R&O*); 47 CFR § 73.3700(b)(5)(ii) and (iii).

⁴ Although the Stations have yet to file for STAs for interim operations, UNC has pledged to do so.

⁵ See *Media Bureau Finalizes Reimbursement Form for Submission to OMB and Adopts Catalog of Expenses*, GN Docket No. 12-268, Public Notice, 30 FCC Rcd 11701, 11701-02 (MB 2015). See also *Incentive Auction R&O*, 29 FCC Rcd at 6821, para. 622 ("The appropriate scope of 'costs reasonably incurred' necessarily will have to be decided on a case-by-case basis.").

The above facts considered, the University of North Carolina's applications for extension of construction permit expiration date **ARE GRANTED**. The construction permits (LMS File Nos. 0000025767, 0000034414, 0000034440, 0000034415, 0000034442, 0000034443, 0000034444, 0000034416 and 0000034418) for WUNC-TV, Chapel Hill; WUNJ-TV, Wilmington; WUNL-TV, Winston-Salem; WUNM-TV, Jacksonville; WUNK-TV, Greenville; WUNP-TV, Roanoke Rapids; WUNU, Lumberton; WUNE-TV, Linville; and WUNG-TV, Concord; all North Carolina **ARE EXTENDED 180 days to March 4, 2020**. Grant of these extensions does not permit the Stations to recommence operation on their pre-auction channels after ceasing operation or after September 6, 2019, whichever occurs first. We also remind UNC that any subsequent requests for extension of its construction permit deadline will be subject to the Commission's tolling provisions.⁶

Sincerely,

A handwritten signature in dark ink, appearing to read 'Barbara A. Kreisman', with a long, sweeping horizontal line extending to the right.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Stephen Hartzell, Esq.

⁶ See 47 CFR § 73.3700(b)(5)(i) (referencing 47 § CFR 73.3598(b)).