

Request for Waiver and Legal Special Temporary Authority Exhibit

Waters & Brock Communications, Inc. (“WB”), licensee of Class A television station WARZ-CD, Smithfield-Selma, North Carolina (Facility ID No. 71089, “WARZ”), requests waiver of Commission rules (including but not limited to Section 73.7300, 47 C.F.R. § 73.7300) and policies and legal special temporary authority (“STA”) to extend WB’s repack digital Channel 23 construction permit (LMS File No. 0000034835, the “Channel 23 Permit”) beyond its current expiration date, which is also WARZ’s currently assigned repack transition deadline in Phase 5, of Wednesday, September 11, 2019,¹ for up to 180 days, or until Friday, March 20, 2020.²

WB’s original plan was to retune its existing Channel 34 transmitter to Channel 23, and began submitting its invoice for that work in August 2018, and resubmitted it multiple times over the course of the following year (and retained Widelity, Inc. (“Widelity”), an outside contractor familiar with the Commission’s reimbursement process, in December 2018 to handle that process), before reimbursement funds were finally released on July 23, 2019 (WB has encountered other lengthy delays during the reimbursement process for other vendor invoices as well).

WB promptly proceeded with scheduling that vendor to do the retuning work, but a few weeks later in late August 2019, WB was advised that the old Channel 34 transmitter could not be retuned and produce sufficient power for the repack Channel 23 operation. WB then began the process of ordering a new transmitter, the invoice for which has been provided to Widelity to submit for reimbursement, but which has not yet been reimbursed, and the new transmitter has not yet been delivered or installed, so WB is unable to put WARZ back on the air on its repack Channel 23 at this time, so WB is filing an off-air notification and request for a silent STA with the Commission on this same date.

Grant of this request should not adversely affect the Commission’s repack transition schedule or any other broadcaster, and WB notes that many WARZ viewers will still be able to receive the station’s programming via cable television systems that will continue to carry WARZ (via a direct feed) in the interim period before WARZ returns to the air. WB submits that the public interest would be served in granting the waivers and STA requested herein, by ensuring the ability of WARZ to continue to broadcast once its repack Channel 23 facilities are completed.

¹ As extended from September 6, 2019. See DA 19-866 (released September 3, 2019).

² WB of course will endeavor to complete construction of WARZ’s repack Channel 23 facilities and get the station back on the air as soon as possible, and anticipates a 4 to 8 week timeframe for that process, but is requested the full extension period due to the uncertainties of equipment and vendor availability, as well as based on the significant delays WB has experienced with the reimbursement process.