

Request for Waiver of Phase Assignment

Alabama Heritage, LLC, licensee of Class A Television Station WEAC-CD, Jacksonville, AL, Fac. ID 64338, respectfully submits the instant request for Special Temporary Authority (“STA Request”) for a waiver of the Post-Incentive Auction Transition phase assignment and corresponding testing dates and construction completion deadlines for WEAC-CD.

Station WEAC-CD was assigned to Phase 5 in the Post-Incentive Auction Transition, which ended on September 11, 2019. The station was to transition from Channel 34 to Channel 35. Due to a series of miscommunications between Alabama Heritage, LLC, its previous consulting engineer, and Alabama Heritage’s vendors, the transmitter authorized by the Commission for WEAC-CD was not ordered. Instead, a transmitter was ordered that would not comply with the post-transition authorization for Station WEAC-CD.

Due to this error, the proper transmitter cannot be constructed and delivered to Alabama Heritage, LLC until the end of October 2019. As this is after the transition deadline for Phase 6, Alabama Heritage, LLC respectfully requests a waiver of the Commission’s Post-Incentive Auction Transition phase assignment to allow WEAC-CD to transition in Phase 7 and transition with the corresponding testing dates and construction completion deadlines for that phase.

Although WEAC-CD was linked with other stations in Phase 5, Alabama Heritage determined that operation of the station at reduced power would allow continued operation of the station on its pre-transition channel, Channel 34, and comply with the Commission’s 2% interference standard. Specifically, operation of WEAC-CD with a reduced ERP of 3.2kW on Channel 34 allowed the station to comply with the FCC’s interference standard. Alabama Heritage, LLC was operating the station at this reduced ERP since at least September 1, 2019 to test the operation of WEAC-CD with these parameters.

Immediately prior to the Phase 5 transition deadline, Alabama Heritage, LLC submitted an engineering STA request to operate WEAC-CD at a reduced ERP of 3.2kW to comply with the Commission’s 2% interference standard. See FCC File No. 0000081240, as amended. The Commission granted the engineering STA request on September 13, 2019.

In the *Transition Scheduling Adoption Public Notice*,¹ the Commission anticipated that licensees may require flexibility to transition stations and contemplated accepting waiver requests of the Transition Phase assignments and deadlines. Such waiver requests would be accepted on a case-by-case basis, in consideration of the impact to viewers and the transition schedule. *Id.*, para. 49.

As indicated above, continued operation of WEAC-CD on Channel 34 will not impact other stations – either from Phase 5 or in later phases. If Alabama Heritage, LLC receives reports or complaints of interference with other stations, it will immediately contact the Commission and set to work to ameliorate the interference. If the interference cannot be eliminated, Alabama Heritage, LLC will take WEAC-CD off the air. By such operation and allowing WEAC-CD to transition in 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.

¹ See 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 Rcd 890 (MB 2017) (*Transition Scheduling Adoption Public Notice*).

Additionally, Alabama Heritage, LLC will keep the public informed of WEAC-CD's transition progress and the new transition deadline. Alabama Heritage, LLC proposes to inform the public by broadcasting segments in its local news programming, as well as in separate PSAs interspersed through the programming day. Alabama Heritage, LLC will immediately prepare these news segments and PSAs so that they may begin airing on WEAC-CD within the next week. They will air periodically and on an increasing basis as the Phase 7 transition deadline approaches. Alabama Heritage, LLC will also keep T-Mobile USA, Inc. and relevant MVPDs apprised of WEAC-CD's transition schedule.

Alabama Heritage, LLC submits that the instant request to modify the phase assignment of WEAC-CD to transition to its post-auction channel in Phase 7 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 WEAC-CD to continue serving viewers while the station completes its transition to its post-repack channel.