

REQUEST FOR PHASE CHANGE

Gray Television Licensee, LLC (“Gray”) seeks a waiver of the post-Incentive Auction Transition Phase assignment, and corresponding testing dates and construction completion deadlines, for WECT(TV), Wilmington, North Carolina (Facility ID No. 48666) (“WECT” or the “Station”). The *Closing and Reassignment Public Notice* originally assigned the Station to Transition Phase 5, for which the Phase Completion Date was September 11, 2019.¹ WECT was granted permission to continue to operate the Station on its pre-auction channel until September 17, 2019.² Because a key piece of equipment has failed during testing, this request seeks permission to transition the Station in a later phase by moving to Transition Phase 7, for which the testing period begins on October 19, 2019 and ends on January 17, 2019.³

The *Transition Scheduling Adoption Public Notice* permitted stations to propose “alternative transition solutions that could create efficiencies,” and determined that a request to modify a station’s transition deadline would be viewed favorably if the request is “otherwise compliant with [FCC] rules and [has] little or no impact on the phase assignments or transition schedule.”⁴ As demonstrated below, Gray’s request qualifies for such favorable treatment.

The FCC may grant a waiver for good cause shown.⁵ A waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.⁶ In considering a waiver, the FCC may take into account considerations of hardship, equity, or more effective

¹ *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Red 2786 (WTB & MB 2017) (*Closing and Channel Reassignment Public Notice*), as extended for Phase 5 by Public Notice, DA 19-866 (Sept. 3, 2019). WECT was reassigned to Phase 7 via a letter dated April 13, 2017, but applied and was granted permission to move to Phase 5 (See FCC File No. 24616).

² FCC File No. 81097.

³ *Id.*

⁴ *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, 913 ¶ 51 (MB 2017) (*Transition Scheduling Adoption Public Notice*), citing *Incentive Auction Task Force and Media Bureau Seek Comment on Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 31 FCC Rcd 10802 (MB 2016) (*Transition Scheduling Proposal Public Notice*).

⁵ 47 C.F.R. § 1.3.

⁶ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

implementation of overall policy on an individual basis.⁷ Such a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁸

As demonstrated herein, good cause exists for waiver of the assigned Transition Phase and its attendant testing and completion dates. WECT has been working diligently to complete construction of its repack facility, but a key piece of equipment has failed during testing leaving WECT unable to complete its transition to its post-auction channel. WECT shares a combiner with WSFX, Wilmington, North Carolina (FID 72871), and WWAY, Wilmington, North Carolina (FID 12033). The stations timely ordered the shared combiner, but when it was installed and tested, the combiner overheated. ERI, the manufacturer, has been on-site trying to identify the source of the problem and implement a solution. As of Friday, September 13, none of the attempted fixes have worked. At this point, ERI will have to build a new combiner for the three stations, which is currently expected to take up to five (5) weeks.

Interference. As demonstrated in the attached TV Study showings, WECT moving to Phase 7—in coordination with WWAY, WSFX and WUNU, Lumberton, North Carolina (FID 69416)⁹—does not create a linked set with any new station.¹⁰ Additionally, there are no cases of outgoing interference exceeding the FCC’s temporary 2% permitted interference level to any other protected full-power or Class A television stations now operating. Likewise, no new incoming pairwise (station-to-station) interference will be created by the proposed early transition of Station.

Impact to Viewers. Gray believes any disruption to viewers will be minimal. This request will increase the total number of times a viewer needs to rescan equipment in order to receive all reassigned stations in the Wilmington DMA from one to two scans, which remains within the presumptive cap established by the Transition PN.¹¹

WECT will immediately revise its viewer notifications to prepare viewers for a later transition date. In addition to the required public service announcements and crawls to notify the Station audience of the proposed transition and provide detailed instructions on the rescanning process,

⁷ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

⁸ *Northeast Cellular*, 897 F.2d at 1166.

⁹ WUNU is downstream from WSFX.

¹⁰ WKTC, Sumter, South Carolina is downstream from WUNU. However, WKTC was recently granted permission to move to Phase 7 (FCC File No. 80779).

¹¹ See Transition Public Notice at ¶¶ 20 and 21.

the Station will conduct robust and diverse outreach through digital and social media to ensure that viewers will be well-informed of the transition.

MVPD Notification. Finally, WECT is in contact with all impacted MVPDs to ensure they have all information needed to implement the channel change.

In sum, grant of this waiver will facilitate a more effective and efficient implementation of the overall policy goals of the Incentive Auction and post-auction transition, and thus is in the public interest.

tvixstudyWUNU Lic-31 BLEDT20091113ABG.txt

tvstudy v2.2.5 (4uoc83)

Database: localhost, Study: WUNU Lic-31 BLEDT20091113ABG, Model: Longley-Rice
Start: 2019.09.09 13:47:18

Study created: 2019.09.09 13:47:18

Study build station data: LMS TV 2019-09-04

Proposal: WUNU D31 DT LIC LUMBERTON, NC
File number: BLEDT20091113ABG
Facility ID: 69416
Station data: LMS TV 2019-09-04
Record ID: f3325fa4ae404640b1f1cf6212b6c0ea
Country: U.S.
Zone: II

Search options:

Baseline record excluded if station has CP

Stations potentially affected by proposal:

IX	Call	Chan	Svc	Status	City, State	File Number
	Distance					
No	WHIG-CD	D30	DC	CP	ROCKY MOUNT, NC	BLANK0000028657
	167.9 km					
Yes	WGHP	D31	DT	CP	HIGH POINT, NC	BLANK0000034212
	134.0					
Yes	WKTC	D31	DT	CP	SUMTER, SC	BLANK0000027544
	174.8					
No	WHRO-TV	D31	DT	CP	HAMPTON-NORFOLK, VA	BLANK0000026987
	320.1					
No	WOAY-TV	D31	DT	CP	OAK HILL, WV	BLANK0000028013
	398.5					
No	WAXN-TV	D32	DT	CP	KANNAPOLIS, NC	BLANK0000034696
	161.5					
Yes	WRPX-TV	D32	DT	CP	ROCKY MOUNT, NC	BLANK0000068236
	140.9					
No	WJWJ-TV	D32	DT	CP	BEAUFORT, SC	BLANK0000025030
	276.8					
No	WMBF-TV	D32	DT	LIC	MYRTLE BEACH, SC	BLCDDT20091105AAP
	118.6					

No non-directional AM stations found within 0.8 km

No directional AM stations found within 3.2 km

Record parameters as studied:

Channel: D31

tvixstudyWUNU Lic-31 BLEDT20091113ABG.txt

Latitude: 34 47 51.00 N (NAD83)
Longitude: 79 2 41.00 W
Height AMSL: 371.0 m
HAAT: 319.0 m
Peak ERP: 175 kW
Antenna: Omnidirectional
Elev Pattn: Generic
Elec Tilt: 0.80

40.4 dBu contour:

Azimuth	ERP	HAAT	Distance
0.0 deg	175 kW	314.8 m	84.6 km
45.0	175	320.6	85.3
90.0	175	325.8	85.9
135.0	175	325.2	85.8
180.0	175	324.6	85.8
225.0	175	319.7	85.2
270.0	175	314.6	84.6
315.0	175	309.9	84.1

Distance to Canadian border: 818.5 km

Distance to Mexican border: 1970.4 km

Conditions at FCC monitoring station: Laurel MD
Bearing: 21.5 degrees Distance: 524.0 km

Proposal is not within the West Virginia quiet zone area

Conditions at Table Mountain receiving zone:
Bearing: 292.2 degrees Distance: 2374.9 km

Study cell size: 2.00 km
Profile point spacing: 1.00 km

Maximum new IX to full-service and Class A: 0.50%
Maximum new IX to LPTV: 2.00%

Interference to BLANK0000034212 CP scenario 1
**IX: 6.88% interference caused

Call	Chan	Svc	Status	City, State	File Number
Distance					
Desired: WGHP	D31	DT	CP	HIGH POINT, NC	BLANK0000034212

tvixstudyWUNU Lic-31 BLEDT20091113ABG.txt

Undesireds:	WUNU	D31	DT	LIC	LUMBERTON, NC	BLEDT20091113ABG
134.0	km					
	WDBJ	D30	DT	CP	ROANOKE, VA	BLANK0000029919
156.2						
	WKTC	D31	DT	CP	SUMTER, SC	BLANK0000027544
206.5						
	WHRO-TV	D31	DT	CP	HAMPTON-NORFOLK, VA	BLANK0000026987
318.8						
	WOAY-TV	D31	DT	CP	OAK HILL, WV	BLANK0000028013
265.2						
	WAXN-TV	D32	DT	CP	KANNAPOLIS, NC	BLANK0000034696
100.9						
	WRPX-TV	D32	DT	CP	ROCKY MOUNT, NC	BLANK0000068236
152.9						

	Service area		Terrain-limited		IX-free, before		IX-free,
after	Percent New IX						
36143.5	4,174,964	35545.4	4,123,106	34243.4	3,764,675	30688.4	
3,505,540	10.38	6.88					

Undesired				Total IX	Unique IX, before	Unique IX,
after						
WUNU D31 DT LIC	4049.9	367,653			3555.0	
259,135						
WDBJ D30 DT CP	139.2	10,273	139.2	10,273	123.3	
8,707						
WKTC D31 DT CP	310.1	50,989	230.0	11,755	23.8	
118						
WHRO-TV D31 DT CP	116.1	8,707	43.8	1,921	27.9	
1,530						
WOAY-TV D31 DT CP	4.0	195	0.0	0	0.0	
0						
WAXN-TV D32 DT CP	595.8	236,844	527.9	198,387	487.8	
189,700						
WRPX-TV D32 DT CP	281.1	96,735	220.9	90,852	108.3	
24,824						

 Interference to BLANK0000027544 CP scenario 1
 **IX: 5.71% interference caused

	Call	Chan	Svc	Status	City, State	File Number
Distance						
Desired:	WKTC	D31	DT	CP	SUMTER, SC	BLANK0000027544
Undesireds:	WUNU	D31	DT	LIC	LUMBERTON, NC	BLEDT20091113ABG

174.8 km	WAGT-CD	D30	DC	LIC	AUGUSTA, GA	BLANK0000063630
126.5	WPCH-TV	D31	DT	CP	ATLANTA, GA	BLANK0000025264
331.4	WGHP	D31	DT	CP	HIGH POINT, NC	BLANK0000034212
206.5	WAXN-TV	D32	DT	CP	KANNAPOLIS, NC	BLANK0000034696
127.3						

	Service area		Terrain-limited		IX-free, before		IX-free,
after	Percent New	IX					
27076.6	1,387,229	27012.7	1,386,779	25724.0	1,357,066	24853.8	
1,279,529	3.38	5.71					

Undesired			Total IX		Unique IX, before		Unique IX,
after							
WUNU D31 DT LIC		1288.7	82,524				870.2
77,537							
WAGT-CD D30 DC LIC		457.0	5,666	384.8	5,181		380.8
5,145							
WPCH-TV D31 DT CP		64.1	335	8.0	2		8.0
2							
WGHP D31 DT CP		880.0	24,207	748.1	22,662		393.7
18,642							
WAXN-TV D32 DT CP		47.6	1,277	7.9	237		7.9
237							

Interference to BLANK0000068236 CP scenario 1

	Call	Chan	Svc	Status	City, State	File Number
Distance						
Desired:	WRPX-TV	D32	DT	CP	ROCKY MOUNT, NC	BLANK0000068236
Undesireds:	WUNU	D31	DT	LIC	LUMBERTON, NC	BLEDT20091113ABG
140.9 km	WGHP	D31	DT	CP	HIGH POINT, NC	BLANK0000034212
152.9	WAXN-TV	D32	DT	CP	KANNAPOLIS, NC	BLANK0000034696
241.9	WMBF-TV	D32	DT	LIC	MYRTLE BEACH, SC	BLCDT20091105AAP
248.4	WCAV	D32	DT	CP	CHARLOTTESVILLE, VA	BLANK0000034188
241.2	WPXV-TV	D32	DT	CP	NORFOLK, VA	BLANK0000068420
185.9						

tvixstudyWUNU Lic-31 BLEDT20091113ABG.txt

after	Service area		Terrain-limited		IX-free, before		IX-free,
28922.8	Percent New	IX					
2,615,679	2,637,949	28870.8	2,634,141	28271.4	2,617,817	28243.7	
	0.10	0.08					

Undesired			Total IX		Unique IX, before		Unique IX,
after							
WUNU D31 DT LIC		31.8	2,849				27.8
2,138							
WGHP D31 DT CP		184.8	7,499	164.7	7,054		164.7
7,054							
WAXN-TV D32 DT CP		16.2	1,206	4.0	251		4.0
251							
WMBF-TV D32 DT LIC		4.0	25	0.0	0		0.0
0							
WCAV D32 DT CP		203.1	4,303	115.5	1,888		115.5
1,888							
WPXV-TV D32 DT CP		307.1	6,887	199.4	3,535		199.4
3,535							

Interference to proposal scenario 1
2.87% interference received

	Call	Chan	Svc	Status	City, State	File Number
Distance						
Desired:	WUNU	D31	DT	LIC	LUMBERTON, NC	BLEDT20091113ABG
Undesireds:	WSFX-TV	D30	DT	LIC	WILMINGTON, NC	BLCDDT20110209AAO
107.9 km						
	WFXG	D31	DT	LIC	AUGUSTA, GA	BLANK0000013467
299.1						
	WUBX-CD	D31	DC	LIC	DURHAM, ETC., NC	BLANK0000001639
141.6						
	WXII-TV	D31	DT	LIC	WINSTON-SALEM, NC	BLANK0000029093
212.6						
	WAVY-TV	D31	DT	LIC	PORTSMOUTH, VA	BLCDDT20010409ABP
320.5						
	WITN-TV	D32	DT	LIC	WASHINGTON, NC	BLCDDT20060615ABD
162.9						

	Service area		Terrain-limited		IX-free		Percent IX
22782.9	1,120,792	22670.9	1,117,140	21846.8	1,085,113	3.63	2.87
Undesired			Total IX		Unique IX		Prcnt Unique IX
WSFX-TV D30 DT LIC		8.0	159	8.0	159	0.04	0.01

tvixstudyWUNU Lic-31 BLEDT20091113ABG.txt

WFXG D31 DT LIC	11.9	32	4.0	23	0.02	0.00
WUBX-CD D31 DC LIC	125.1	10,905	12.1	107	0.05	0.01
WXII-TV D31 DT LIC	796.0	31,721	675.1	20,737	2.98	1.86
WAVY-TV D31 DT LIC	20.2	819	0.0	0	0.00	0.00
WITN-TV D32 DT LIC	4.0	194	0.0	0	0.00	0.00

tvixstudyWSFX-TV Lic-30 BLCDT20110209AA0.txt

tvstudy v2.2.5 (4uoc83)

Database: localhost, Study: WSFX-TV Lic-30 BLCDT20110209AA0, Model: Longley-Rice
Start: 2019.09.09 13:43:22

Study created: 2019.09.09 13:43:22

Study build station data: LMS TV 2019-09-04

Proposal: WSFX-TV D30 DT LIC WILMINGTON, NC
File number: BLCDT20110209AA0
Facility ID: 72871
Station data: LMS TV 2019-09-04
Record ID: ab8bd9d358d0441eb65fcf6212b6c0ea
Country: U.S.
Zone: II

Search options:

Baseline record excluded if station has CP

Stations potentially affected by proposal:

IX	Call	Chan	Svc	Status	City, State	File Number
	Distance					
No	WUND-TV 258.4 km	D29	DT	CP	EDENTON, NC	BLANK0000025090
No	WXLV-TV 243.7	D29	DT	LIC	WINSTON-SALEM, NC	BLCDT20050624ABB
No	WRJA-TV 193.9	D29	DT	CP	SUMTER, SC	BLANK0000025019
No	WAGT-CD 346.4	D30	DC	LIC	AUGUSTA, GA	BLANK0000063630
Yes	WUNU 107.9	D30	DT	CP	LUMBERTON, NC	BLANK0000034418
No	WHIG-CD 200.2	D30	DC	CP	ROCKY MOUNT, NC	BLANK0000028657
No	WYFF 418.5	D30	DT	CP	GREENVILLE, SC	BLANK0000034525
No	W30CV-D 325.1	D30	DC	LIC	HILTON HEAD ISLAND, SC	BLDTL20110110AAR
No	WDBJ 384.1	D30	DT	CP	ROANOKE, VA	BLANK0000029919
No	WGHP 240.0	D31	DT	CP	HIGH POINT, NC	BLANK0000034212
No	WKTC 237.0	D31	DT	CP	SUMTER, SC	BLANK0000027544

No non-directional AM stations found within 0.8 km

No directional AM stations found within 3.2 km

Record parameters as studied:

Channel: D30
Latitude: 34 7 54.00 N (NAD83)
Longitude: 78 11 16.00 W
Height AMSL: 606.2 m
HAAT: 590.0 m
Peak ERP: 171 kW
Antenna: AND-ABBP14H4-HTCX1-30/54 (ID 89590) 0.0 deg
Elev Pattn: Generic
Elec Tilt: 1.00

40.3 dBu contour:

Azimuth	ERP	HAAT	Distance
0.0 deg	81.7 kW	589.7 m	99.2 km
45.0	107	590.1	101.5
90.0	77.7	598.5	99.2
135.0	68.1	591.4	97.7
180.0	38.2	595.4	93.0
225.0	35.1	589.0	92.0
270.0	12.3	587.3	83.4
315.0	137	586.8	103.4

Database HAAT does not agree with computed HAAT
Database HAAT: 590 m Computed HAAT: 591 m

Distance to Canadian border: 916.0 km

Distance to Mexican border: 2013.2 km

Conditions at FCC monitoring station: Laurel MD
Bearing: 11.9 degrees Distance: 572.6 km

Proposal is not within the West Virginia quiet zone area

Conditions at Table Mountain receiving zone:
Bearing: 293.5 degrees Distance: 2476.0 km

Study cell size: 2.00 km
Profile point spacing: 1.00 km

Maximum new IX to full-service and Class A: 0.50%
Maximum new IX to LPTV: 2.00%

Interference to BLANK0000034418 CP scenario 1

**IX: 10.32% interference caused

Distance	Call	Chan	Svc	Status	City, State	File Number
Desired:	WUNU	D30	DT	CP	LUMBERTON, NC	BLANK0000034418
Undesireds:	WSFX-TV	D30	DT	LIC	WILMINGTON, NC	BLCDT20110209AAO
107.9 km	WXLV-TV	D29	DT	LIC	WINSTON-SALEM, NC	BLCDT20050624ABB
138.3	WYFF	D30	DT	CP	GREENVILLE, SC	BLANK0000034525
326.3	WDBJ	D30	DT	CP	ROANOKE, VA	BLANK0000029919
284.6	WGHP	D31	DT	CP	HIGH POINT, NC	BLANK0000034212
134.0						

Service area	Terrain-limited	IX-free, before	IX-free,
after Percent New IX			
25576.1 1,202,495	25424.6 1,201,481	24450.7 1,170,942	18305.1
1,050,064 25.13	10.32		

Undesired after	Total IX	Unique IX, before	Unique IX,
WSFX-TV D30 DT LIC	6773.6	141,540	6145.6
120,878			
WXLV-TV D29 DT LIC	173.7	6,014	8.1 8 0.0
0			
WYFF D30 DT CP	191.3	1,926	63.8 953 23.9
329			
WDBJ D30 DT CP	752.6	26,636	310.1 11,660 112.7
4,282			
WGHP D31 DT CP	488.7	14,784	121.2 2,635 64.6
1,648			

Interference to proposal scenario 1

Distance	Call	Chan	Svc	Status	City, State	File Number
Desired:	WSFX-TV	D30	DT	LIC	WILMINGTON, NC	BLCDT20110209AAO
Undesireds:	WUNJ-TV	D29	DT	LIC	WILMINGTON, NC	BLEDT20080821AAH
21.4 km	WUNU	D31	DT	LIC	LUMBERTON, NC	BLEDT20091113ABG

tvixstudyWSFX-TV Lic-30 BLCDT20110209AA0.txt

107.9

Service area	Terrain-limited	IX-free	Percent IX
30178.0 928,247	30178.0 928,247	30078.8 923,880	0.33 0.47
Undesired	Total IX	Unique IX	Prcnt Unique IX
WUNJ-TV D29 DT LIC	19.8 614	19.8 614	0.07 0.07
WUNU D31 DT LIC	79.5 3,753	79.5 3,753	0.26 0.40

Bill Harland
Vice President of Marketing

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September 16, 2019

Mr. David Evans
Director of Broadcast Engineering
Gray Television
201 Monroe St Floor 20
Montgomery, AL 36104-3731
david.evans@gray.tv

REF: WECT (DT), FCC Facility ID 48666, Wilmington, NC
WSFX-TV, FCC Facility ID 72871, Wilmington, NC
WWAY(DT), FCC Facility ID 12033, Wilmington, NC
FCC Phase Change Request

Dear Mr. Evans:

There has been significant effort expended by the licensees of each of these television stations which share the Master UHF Antenna system located in Winnabow, North Carolina, and Electronics Research, Inc. (ERI) the supplier of the new mask filter and channel combiner system required to make the FCC mandated channel changes required for all three of these facilities. Unfortunately, we have not been able to bring the combiner system online with acceptable stability for all three stations that are required to use the system.

ERI had begun ordering the material required and scheduling the manufacturing and assembly of a replacement for the mask filter/channel combiner provided originally provided. This is a custom system that requires components that have significant lead time and our early efforts have shortened our time to completion but at this point our schedule has the replacement system complete on or about October 21.

To expedite the completion of the system installation ERI would transport the replacement system components to site using the personnel who will actually assemble and bring the system online. We believe that the transportation to site, assembly and final commissioning can be complete by October 30.

Please let us know of any questions or if there are other items needed to support the required FCC authorizations and approvals required for these facilities to receive any extensions or Phase change approvals to accommodate the time required to complete the filter and combiner system required.

Sincerely,

ELECTRONICS RESEARCH, INC.



Bill Harland
Vice President of Marketing

