

**WOLF-TV, Hazelton, PA (Fac. Id. No. 73375)  
New Age Media of Pennsylvania License, LLC  
Request for Waiver/Change of Phase Assignment**

**Request for Waiver of Phase Assignment**

New Age Media of Pennsylvania License, LLC, the licensee of WOLF-TV, Hazelton, Pennsylvania (Fac. Id. No. 73375) (“WOLF”), hereby respectfully files this request for a waiver of the post-Incentive Auction Transition Phase assignment and corresponding testing dates and construction completion deadlines for WOLF. WOLF was assigned to Transition Phase 4 pursuant to the *Closing and Reassignment Public Notice*.<sup>1</sup> The station originally filed an application requesting to change WOLF’s Phase from Phase 4 to Phase 7 that was granted on July 31, 2019.<sup>2</sup> Pursuant to discussions with Media Bureau Staff, WOLF now requests re-assignment to Transition Phase 6. For the reasons stated below, WOLF submits that the public interest supports this request for a phase change from Phase 7 to Phase 6.

WOLF is currently licensed to operate on channel 45. The station was reassigned to channel 22 in the *Closing and Channel Reassignment Public Notice*. As noted in its previous request for a phase change, construction of WOLF’s facilities has been hampered by a lack of qualified transmitter crews. WOLF has since contracted with a transmitter crew that is certified to install the station’s post-repack Rohde & Schwarz transmitter. As the Media Bureau Staff is aware, the high voltage power supply for the station recently failed, and the station is now operating at reduced power using the station’s low power transmitter to feed the station’s pre-repack antenna. The station’s post-repack permanent top-mounted antenna has already been installed, and the station plans to install its post-repack permanent two cabinet transmitter beginning on September 17, 2019. A tower crew is scheduled to arrive between September 19 and September 24 in order to relocate the station’s current transmission line to feed the station’s post-repack antenna. Thus, moving the station to Phase 6 will save resources and will result in a more efficient use of antenna and tower crews because WOLF will be able to simultaneously complete the necessary repair work and the construction of its post-repack facilities on or around September 25, 2019.

Pursuant to section 73.3700(c) of the Commission’s rules,<sup>3</sup> WOLF is required to air on-air crawls or public service announcements beginning 30-days prior to discontinuing operations on its pre-auction channel. However, because the station will be transitioning early, WOLF respectfully requests a waiver of that rule pursuant to Section 1.3 of the Commission’s rules<sup>4</sup> based on the reasons described above and because the station plans to provide notification to

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<sup>1</sup> *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*).

<sup>2</sup> See LMS File No. 0000078955.

<sup>3</sup> See 47 CFR § 73.3700(c).

<sup>4</sup> See 47 CFR § 1.3 (waiver for good cause shown). A waiver is appropriate where, as is the case here, when the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall policy on an individual basis. See, e.g., *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

viewers and consumers of the station's channel change via alternative means. Specifically, in order to notify the station's audience of the proposed transition and to provide detailed instructions on the rescanning process, the licensee has implemented a comprehensive consumer awareness campaign and is committed to mitigate any viewer disruption by increasing outreach education beyond the required public service announcements and crawls. This would include outreach not only by WOLF on its primary stream and subchannels, but also by co-operated television stations WSWB(TV), Scranton, Pennsylvania and WQMY(TV), Williamsport, Pennsylvania to their viewers. In addition, WOLF plans to conduct robust and diverse outreach on the station's website, through social media, and during WOLF newscasts, both before and after the station transitions, to ensure that viewers will be well-informed of the station's change in channels.<sup>5</sup>

The licensee submits that the instant request to modify the phase assignment of WOLF to transition to its post-auction channel in Phase 6 instead of Phase 7 satisfies the requirements for a waiver and is in the public interest. In sum, WOLF respectfully submits that a grant of this phase change and any necessary waivers will facilitate a more effective, efficient, and less costly implementation of the overall policy goals of the Commission's Incentive Auction and post-auction transition, and thus is in the public interest.

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<sup>5</sup> WOLF is also sending amended letters to MVPDs in the market to inform them of the new anticipated transition date in compliance with 47 CFR § 73.3700(d)(5)(v).