

Request for Extension of Time to Construct WLKY's Full CP Facility

Pursuant to Section 73.3700(b)(5)(iv) of the Commission's Rules, Hearst Properties Inc. ("Hearst" or the "licensee" or "applicant"), licensee of WLKY, Louisville, Kentucky (Fac. ID No. 53939) ("WLKY" or the "Station"), respectfully requests an extension of time to complete construction of its full, authorized post-transition facilities.¹ It is important to understand that WLKY's final, post-transition facility will broadcast from an antenna shared with co-located repack station WAVE, and that WAVE owns the shared antenna and is the party responsible for contracting with the vendor for its installation.

With respect to the applicant's request to extend the deadline for construction of WLKY's full post-transition repack CP facility (*see* LMS File No. [0000025154](#), as modified by LMS File No. [0000034536](#)), Rule Section 73.3700(b)(5) authorizes the Media Bureau to grant a "reassigned" station (such as WLKY) an extension of time to construct its full repack facilities of up to 180 days for a variety of reasons, which

include but are not limited to:

- (A) Weather-related delays, including a tower location in a weather-sensitive area;
- (B) Delays in construction due to the unavailability of equipment or a tower crew;
- (C) Tower lease disputes;
- (D) Unusual technical challenges, such as the need to construct a top-mounted or side-mounted antenna or the need to coordinate channel changes with another station; and
- (E) Delays faced by licensees that must obtain government approvals, such as land use or zoning approvals, or that are subject to competitive bidding requirements prior to purchasing equipment or services.

47 C.F.R. § 73.3700(b)(5)(ii). *See also Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858 (2017), ¶ 41.

From the beginning of Hearst's repack plans for WLKY, the licensee has consistently believed that its full repack facility would be timely constructed by the end of Phase 6. Now, as a result of complications that are beyond the control of WLKY—specifically the fact that the shared antenna has been installed (by a vendor that is not under the control of WLKY) in a manner that is materially inconsistent with WLKY's repack CP—it has now become clear that WLKY's full

¹ To the extent necessary, the applicant respectfully requests a waiver of the July 22, 2019, filing deadline for CP extension applications. At that time, the licensee continued to believe that WLKY's full repack facility would be completed by the end of Phase 6, and only recently has it become clear that the channel cutover will need to occur using interim facilities.

post-transition facility cannot be constructed by the Phase 6 deadline, and the Station will need to transition to its post-Auction channel using interim facilities.²

In short, the proximate cause affecting the licensee's ability to fully construct the final WLKY post-transition facility by the Phase 6 deadline is the delay in construction due to antenna installation issues, which is the type of situation referred to in Section 73.3700(b)(5)(ii)(B) and (D). Thus, the licensee's new transition plan for WLKY is to (i) use interim facilities to meet the Phase 6 transition deadline and (ii) complete WLKY's final transition as soon as practicable after the Phase 6 deadline.

Because WLKY's newly-revised transition plan contemplates successful termination of pre-transition channel operations by the Phase 6 deadline (and cutover to the interim antenna facility to effectuate the timely channel change), the extension of WLKY's repack CP will not affect the nationwide transition. While the licensee believes that the post-transition interim operations will be a short-term endeavor, this request respectfully seeks the full additional 180 days (i.e., until April 15, 2020) to complete construction of its full, authorized repack CP facilities because the issues prompting this request have been out of the applicant's control in the first place.

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² WLKY filed for, and was granted, a post-transition aux antenna CP in LMS File No. [0000082327](#), which will be used for interim operations to effectuate WLKY's post-transition channel change.