

**WCFE-TV – Request for Phase Change**  
**LMS File No. 34025**

Mountain Lake Public Telecommunications Council, licensee of noncommercial educational TV station WCFE-TV, Plattsburgh, New York (“WCFE”), requests a waiver of the post-Incentive Auction Transition Phase assignment and corresponding testing dates and construction completion deadlines for WCFE. WCFE was assigned to Transition Phase 7, pursuant to the Closing and Reassignment Public Notice.<sup>1</sup> The Phase Completion Date for Phase 7 is January 17, 2020. WCFE requests re-assignment to Transition Phase 10, with a construction deadline of July 3, 2020, because construction of its post-repack facility has been delayed by circumstances outside of its control.

In the Transition Scheduling Adoption Public Notice,<sup>2</sup> the Commission anticipated that there would be circumstances where a station would need to seek a waiver of the phase construction deadline, including authority to continue operating on their current channel. The Commission indicated that it would consider these requests on a “case-by-case basis,” by evaluating the impact to viewers and the transition schedule.<sup>3</sup> Re-assigning WCFE to Phase 10 will ensure its viewers in its community of license and elsewhere continue to receive the station’s PBS programming without interruption. Re-assigning WCFE to Phase 10 will have no impact on the transition schedule because WCFE has no linked stations or dependencies.

WCFE is currently assigned to transition from Channel 38 to Channel 36 in Phase 7 of the repack. WCFE’s repack plan called for, among other things, replacement of the station’s main transmitter at the station’s tower site near the top of Averill Peak on Lyon Mountain in the Adirondack Mountains, approximately 3700 feet above sea level. The site is remote; it is accessible only by a single rough road, which is not maintained between November and April due to ice and snow. Knowing the site access issues, WCFE began working with vendors on plans to use this road for site access for repack work back in 2018. Now, however, this road has become severely damaged and is extremely treacherous to navigate. The last crew that WCFE attempted to send up to the site turned back after encountering hazardous road conditions. In lieu of using the existing road, WCFE attempted to secure an easement from an adjoining landowner to allow a new road for WCFE to access its tower site, but the landowner will not grant such easement. Even if it had secured an easement, in order to access its tower site WCFE would also have needed to secure approval to cut down trees in Adirondack Park, part of the New York Forest Preserve. Without reliable road access, WCFE’s tower site now can only be reached by helicopter, and the necessary helicopter crews are prohibited from operating in

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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 Rcd 2786 (WTB & MB 2017).

<sup>2</sup> *Incentive Auction Task Force and Media Bureau Adopt A Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 32 FCC Rcd 890 (MB 2017) (Transition Scheduling Adoption Public Notice).

<sup>3</sup> *Transition Scheduling Adoption Public Notice*, ¶ 49.

proximity of the 400-foot transmission tower during persistent and recurring icing conditions from October through April. The severe road damage also delays the use of tracked snow vehicles until a much greater snow depth is present. Historically, this does not occur until late December or early January. As a result of these challenges, WCFE will need to revise its repack plan to accommodate additional helicopter use for the repack work at the site and/or to improve the road so that the access road can be used for equipment and personnel for the repack work at the site. Thus, WCFE will not be able to complete construction of its permanent post-repack facilities prior to the completion of Phase 7.

WCFE's move to Phase 10 will have no impact on the FCC's repack transition schedule. According to the Commission's records, there are no stations upstream of WCFE. Moreover, because WCFE currently is broadcasting in the 600 MHz band, there are no stations downstream of WCFE. Thus, the requested phase change will not impact the repack efforts of other stations. Assigning WCFE to Phase 10 will change the number of rescans in the market from two to three.

The series of events WCFE encountered was beyond the station's control and has presented substantial logistical challenges to construction. Thus, WCFE respectfully requests that it be assigned to Phase 10 of the repack and that its construction permit for post-auction facilities (LMS File No. 34025) be extended until July 3, 2020.