



Tolling Waiver Request  
**CBS Television Licenses LLC**  
WBZ-TV Boston, Massachusetts  
Facility ID 25456

*CBS Television Licenses LLC (CBS)*, licensee of WBZ-TV Boston, MA (the “Station”), herein seeks a waiver of the Commission’s tolling provisions, pursuant to §73.3598(b), for construction of the main WBZ-TV post-transition facility.<sup>1</sup> As discussed further below, this request is necessary due to two reasons beyond CBS’s control. First, ongoing local government permitting delays have prevented replacement of the Station’s permanent, post-transition, main antenna. And, further delays are anticipated due to the present CP expiration date of January 29<sup>th</sup>, which is within the period of time the tower construction company has determined to shut down due to New England’s harsh winter weather.

WBZ-TV was assigned to repack Phase 4 (August 2, 2019) and made a timely transition to post-transition channel 20 using the station’s recently-installed, permanent auxiliary antenna.<sup>2</sup> The Station did not require or request a Phase Waiver. As replacement of the main antenna system could not begin until the Phase 4 transition was completed, *CBS* requested and was granted a 180-day Construction Permit extension.<sup>3</sup>

In the *Incentive Auction and Order*, the Commission stated that after granting a six-month extension, further extensions of time would be subject to the tolling provisions contained in §73.3598 of the Commission’s Rules. The Media Bureau has also noted that in the event that construction of a station has been disrupted by circumstances other than those provided for in its tolling rules, “[s]tations may also seek a waiver of the tolling rule to receive additional time to construct in cases where ‘rare or exceptional circumstances’ prevent construction.”<sup>4</sup>

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<sup>1</sup> See LMS file number 0000034573.

<sup>2</sup> See LMS file numbers 0000072329 and 0000080192.

<sup>3</sup> See LMS file number 0000072330.

<sup>4</sup> Public Notice, Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines, 33 FCC Rcd 8240, 8245 n.24 (MB and IATV 2018) *citing* 1998 Regulatory Review – Streamlining of Mass Media Applications, Rules and Processes, *Memorandum Opinion and Order*, 14 FCC Rcd 17525, 17536 at ¶ 42 (1999).

Engineering Statement  
***CBS Television Licenses LLC***

§73.3598(b) of the Commission's Rules lists causes not under the control of the permittee that can toll the period of construction for a Construction Permit, including construction delays relating to necessary local requirements for the construction of the station. In this instance, *CBS* is requesting a tolling waiver because the town of Needham, MA, where the WBZ-TV tower is located, requires the leased tower and antenna owner – American Tower Corporation (“ATC”) – to have a Special Permit before top-mounted antennas can be installed. Although such a permit was recently approved, it is not expected to be finalized until late December. Given this new local government limitation on construction, currently lacking necessary approvals, and in anticipation of the harsh winter weather, ATC released its tower crew last week. Even under ATC's most optimistic estimate provided to *CBS*, construction will not begin until early January and construction will not be completed until springtime, months after the expiration date of the WBZ-TV Construction Permit.

Grant of a tolling waiver will not adversely impact the overall transition schedule and will not cause interference to other stations, as WBZ-TV has already ceased operation on its pre-auction channel and is operating on its post-auction channel using its permanent auxiliary antenna. Further, WBZ-TV has every incentive to complete construction of its technically superior main antenna facility as soon as possible and will aggressively pursue the best-case scenario outlined above. For reasons explained above, it is believed good cause exists to toll the expiration of the WBZ-TV Construction Permit until the end of April 2020 when *CBS* expects to have licensed its post-transition facilities.