

Request to Extend Special Temporary Authorization

Connecticut Public Broadcasting, Inc. (“Licensee”), licensee of television station WEDW(TV), Bridgeport, Connecticut (Fac. ID 13594) (“Station”), hereby submits this request for an extension of its special temporary authority to continue broadcasting on its post-auction DTV channel (21) from a single transmission site while Licensee completes construction of its permitted distributed transmission system (“DTS”).

Background

On April 13, 2017, the FCC released the Incentive Auction Closing and Channel Reassignment Public Notice, in which it reassigned WEDW from pre-auction DTV channel 49 to post-auction DTV channel 21. On June 26, 2017, Licensee filed its initial filing window application for a construction permit for WEDW to operate on the baseline channel 21 facility specified in the Closing and Channel Reassignment PN, which the FCC granted on June 29, 2017. File No. 000025204. On December 6, 2017, Licensee filed an application to implement a distributed transmission system (the “DTS Application”). File No. 0000036047. The DTS Application proposed to utilize WEDW’s existing tower in Bridgeport (the “Bridgeport Facility”) as DTS Site 1 and a new antenna on Empire State Building as DTS Site 2 (the “ESB Facility”).

PMCM TV, LLC (“PMCM”) filed an informal objection to the DTS Application on February 12, 2018, to which Licensee timely responded. See Pleading File No. 0000041948. While the DTS Application was still pending, PMCM filed a supplement to its informal objection on September 26, 2018, to which Licensee also timely responded. See Pleading File No. 000059901. On June 12, 2019, the Media Bureau issued a Letter Order denying PMCM’s informal objection and granting Licensee a construction permit for the DTS (the “CP”).¹

Because the Media Bureau did not grant the DTS Application until less than two months before the CP expiration date, Licensee sought and received an initial six month extension of the CP expiration date until and including January 23, 2020. In granting the extension, the Media Bureau found that the delays were “due to an adjudicatory proceeding” and outside the Licensee’s control.² The Bureau concurrently granted Licensee special temporary authority to operate from its post-auction channel using a single transmitter site. File No. 0000077937 (the “STA”).

While Licensee’s request for an extension of the CP was pending, PMCM filed an Application for Review of the Letter Order on July 15, 2019. Although the pleading cycle on the

¹ See Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau to Connecticut Public Broadcasting, Inc. (June 12, 2019) (the “Letter Order”).

² See Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau to Connecticut Public Broadcasting, Inc. (Aug. 16, 2019).

Application for Review closed on August 13, 2019, the Commission has not yet issued a decision. Due to the resulting uncertainty, Licensee has been unable to make the investment necessary to prepare for and construct the DTS authorized in the CP.

In light of the foregoing, on December 20, 2019, Licensee filed a request for tolling of the CP, which remains pending. File No. 0000093844.

Argument

The Commission should extend the STA and allow WEDW to continue operating on its post-auction channel from a single transmitter site until the grant of the DTS Application becomes final and WEDW has ample opportunity to construct the ESB Facility.

The FCC has indicated that “in order to facilitate timely construction of new facilities and to minimize any time broadcasters may be off the air,” reassigned stations and band changing stations may request an STA to operate with temporary facilities while they complete construction of their post-auction channel facilities.³ Among the options for a temporary facility is “a station operating on its assigned post-auction channel with parameters at variance from its post-auction construction permit.”⁴

As the Bureau acknowledged in granting Licensee’s request to extend the CP, Licensee’s inability to complete construction of the Stations’ permanent facilities is due to circumstances beyond its control and the result of pending adjudicatory proceedings. Furthermore, grant of the instant request is not likely to negatively impact the overall transition schedule and will not cause interference to other stations because the Station is already operating on its post-auction channel pursuant to the STA. An extension of the STA will allow Station to continue providing service while the status of the DTS Application is fully and finally resolved. On the other hand, if the Commission denies the instant request, the Station will have no choice but to temporarily suspend operations.

For the foregoing reasons, Licensee respectfully requests a grant of the instant request for extension of the STA.

³ *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, DA 17-106 ¶ 46 (rel. Jan. 27, 2017) (citing *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd. 6567 ¶ 584 (2014).

⁴ *Id.* ¶ 47.