

Request for Extension of Time to Construct WMOR-TV'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 and permittee of WMOR-TV, Lakeland, Florida (Fac. ID No. 53819) ("WMOR-TV" or the "Station"), respectfully requests an extension of time to complete construction of its full, authorized post-transition facilities.¹

With respect to the applicant's request to extend the deadline for construction of WMOR-TV's full post-transition repack CP facility (*see* LMS File No. [0000027493](#), as modified by LMS File Nos. [0000034551](#) and [0000064337](#)), Rule Section 73.3700(b)(5) authorizes the Media Bureau to grant a "reassigned" station (such as WMOR-TV) 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 WMOR-TV, the licensee has consistently believed that its full repack facility would be timely constructed by the end of Phase 7. Now, as a

¹ To the extent necessary, the applicant respectfully requests a waiver of the October 21, 2019, filing deadline for Phase 7 repack CP extension applications. At that time, and until early January 2020, the licensee continued to believe that it was possible to complete WMOR-TV's full repack facility by the end of Phase 7. In early January 2020, the applicant became significantly more concerned that its sanguinity for a complete repack buildout by the Phase 7 deadline may be overly optimistic. Developments relating to outside parties beyond the applicant's control have occurred that have now caused the applicant to change its transition plan for WMOR-TV such that it expects the channel cutover for WMOR-TV to be effectuated by the Phase 7 deadline using interim (aux antenna) facilities. Under these circumstances, the applicant respectfully posits that a waiver of the October 21, 2019, filing deadline is warranted.

result of complications that are beyond the control of WMOR-TV, Hearst has determined that as of the date of filing this application, on-time installation of the final post-transition main antenna may still be within the realm of possibility, but it is much more likely that WMOR-TV's full post-transition facility will not be constructed by the Phase 7 deadline, and the Station will, instead, transition to its post-Auction channel using interim facilities.²

As WMOR-TV has noted previously, WMOR-TV's post-transition main antenna will be at the bottom of a stack. The post-transition main antenna of repacked station WXPX-TV, Bradenton, Florida (Fac. ID No. 6601)³ will be at the top of the stack, which means that the two stations must coordinate the final repack construction at the shared tower site. While WMOR-TV and WXPX-TV have been working diligently with site owner/project manager American Tower to ensure the timely coordination of the stacked antenna installation, the completion of WMOR-TV's full repack construction by the Phase 7 deadline has become more complicated by another co-located, non-repacked station's needs and preferences, which have affected the construction schedule for the repack project and have impacted the time line for completion of WMOR-TV's repack construction. In addition, weather has now also become a complicating factor, as any additional delay caused by weather—which would be beyond the control of WMOR-TV, the tower crew vendor, and all other relevant stakeholders—would make it virtually impossible for the final antenna installation to be completed on time.

In short, the proximate cause affecting the licensee's ability to fully construct the final WMOR-TV post-transition facility (including installation of the new, post-transition top-mount stacked antenna) by the Phase 7 deadline is a delay in construction caused by factors beyond WMOR-TV's control, which are the types of situations referred to in Section 73.3700(b)(5)(ii)(A) and (D). Thus, the licensee's new transition plan for WMOR-TV is to (i) use interim facilities to meet the Phase 7 transition deadline and (ii) complete WMOR-TV's final transition as soon as practicable after the Phase 7 deadline.

Because WMOR-TV's newly-revised transition plan includes the successful termination of pre-transition channel 19 operations by the Phase 7 deadline (and cutover to the interim antenna facility to effectuate the timely channel change), the extension of WMOR-TV's repack CP will not affect the nationwide transition. While the licensee believes that the post-transition interim operations on the post-transition aux antenna will be a short-term endeavor, this request respectfully seeks the full additional 180 days (i.e., until July 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, and it is difficult (if not impossible) to anticipate all further circumstances that might develop in the meantime.

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² On December 18, 2019, WMOR-TV was granted a post-transition aux antenna CP in LMS File No. [0000092863](#). The aux antenna will operate as WMOR-TV's initial post-transition interim facility.

³ WXPX-TV filed a CP extension request on January 9, 2020. See LMS File No. [0000096174](#).