

### **Request for Extension of Time to Construct WBAL-TV's Full CP Facility**

Pursuant to Section 73.3700(b)(5)(iv) of the Commission's Rules, WBAL Television Inc. (the "licensee" or "applicant"), licensee of WBAL-TV, Baltimore, Maryland (Fac. ID No. 65696) (WBAL-TV"), respectfully requests an extension of time to complete construction of its full, authorized post-transition facilities, i.e., the facilities specified in WBAL-TV's repack construction permit ("CP") issued in LMS File No. [0000024625](#) as modified by LMS File No. [0000034523](#). WBAL-TV has been assigned to Phase 9, which has a deadline of May 1, 2020.

With respect to the applicant's request to extend the deadline for construction of WBAL-TV's full post-transition repack CP facility, Rule Section 73.3700(b)(5) authorizes the Media Bureau to grant a "reassigned" station (such as WBAL-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.

WBAL-TV's repack project is occurring at a shared site ("Television Hill") that hosts not only two other repacked stations—WJZ-TV (which has already filed a CP extension request in LMS File No. [0000099867](#)) and WMAR-TV (which we expect to file a CP extension request)—but also multiple FM operators including both full power and FM translators (see the table below from WBAL-TV's Form 399 for a list of all stations that are co-located at the site).

**FM, AM or TV radio broadcasters. Facility ID's, Call Signs and Services of other broadcast stations with whom the tower is shared**

Facility ID	Call Sign	Service
28637	WLIF	FM
25455	WJZ-TV	DTV
65693	WIYY	FM
59442	WMAR-TV	DTV
1916	WJZ-FM	FM
74196	WWMX	FM

**Other Types of Users**

Users
W248AO FM Txltr
W291BA FM Txltr

The shared nature of the Television Hill site, the configuration of the shared candelabra that supports the antennas for all three repacked television stations, and the location of the site within the city limits of Baltimore, Maryland, make this repack site one of the more complicated sites involved in the nationwide transition. Indeed, a recognition by the Commission of the complex nature of the site may be part of the reason that WBAL-TV's repack construction deadline was assigned to a later phase (Phase 9) in the first place.

The shared tower on Television Hill is owned by a company called Television Tower Inc. ("TTI"), which is, in turn, owned by the three reassigned television stations that share the candelabra (i.e., WBAL-TV, WJZ-TV, and WMAR-TV, as noted above). The joint involvement of the three repacked stations in TTI has, in some respects, made coordination of the joint repacking project more efficient and has facilitated coordination among the three stations. WBAL-TV plans (as do the other two stations) to meet its Phase 9 deadline obligations by using interim facilities (namely, its post-transition auxiliary antenna) which will be installed as a side-mount antenna below the candelabra. Neither TTI nor WBAL-TV anticipate any issues with the timely installation of the side-mount interim facilities.

For the post-transition primary antennas on the candelabra, the parties have determined that the best installation technique to effectuate replacement of the primary antennas and support pedestals is a helicopter lift. WBAL-TV's studios (as well as WJZ-TV's studios) are located in

close proximity to the tower and, for safety reasons, must be evacuated during the removal and installation of the antennas. As such, the helicopter lift needs to occur on a weekend day. In addition, in order to make the helicopter lift, the parties have determined that they need to use property owned by a nearby university as a staging and landing area, and the university has indicated that the property can be made available for this purpose only during the weekends of May 30-31 and June 6-7, 2020. The parties have agreed that May 30-31 should be the target date and that June 6-7 should serve as an inclement weather make-up date. Obviously, both of those dates are after the May 1 deadline for Phase 9 stations and for WBAL-TV's repack construction permit.

In the event the primary antenna plan using the helicopter lift is unable to transpire (e.g., inclement weather on both available weekends), the back-up plan will be to use a gin pole, but it will be impossible to know if the back-up plan is necessary until the week of June 7, 2020, and then it will take at least a few weeks before a gin pole mobilization is possible.

In short, the proximate cause affecting the licensee's ability to fully construct the final WBAL-TV post-transition facility (including installation of the new, post-transition top-mount antenna) by the Phase 9 deadline is a known delay in construction caused by the complexity of the candelabra configuration, the location of Television Hill and the TTI tower, the safety/efficiency-based decision to use a helicopter lift for the primary antennas, and the timing of the availability of the third-party property necessary for the helicopter lift. These factors are the types of situations referred to in Section 73.3700(b)(5)(ii)(B) and (D). Thus, the licensee's transition plan for WBAL-TV—which is being closely coordinated with the other two reassigned stations on TTI's tower—is to (i) use interim facilities to meet the Phase 9 transition deadline and (ii) complete WBAL-TV's final transition as soon as practicable after the Phase 9 deadline (subject to the contingencies referenced above). Moreover, because WBAL-TV's transition plan includes the successful termination of pre-transition channel 11 operations by the Phase 9 deadline (and cutover to the interim antenna facility to effectuate the timely channel change), the extension of WBAL-TV's repack CP will not affect the nationwide transition. For all these reasons, WBAL-TV respectfully requests the full 180-day extension of its repack construction permit so that the extended CP expiration date would be October 28, 2020.

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