

## REQUEST FOR PHASE CHANGE

Adell Broadcasting Corporation (“Adell”) seeks a waiver of the post-Incentive Auction Transition Phase assignment, and corresponding testing dates and construction completion deadlines, for WADL, Mt. Clemens, Michigan (Facility ID No. 455) (“WADL” or the “Station”). The *Closing and Reassignment Public Notice* originally assigned the Station to Transition Phase 8, for which the Phase Completion Date is March 13, 2020.<sup>1</sup> However, the tower crew scheduled to install the Station’s new antenna is experiencing significant delays with its other repack-related installation work, thus placing the Station in jeopardy of not being able to complete its transition by the Phase 8 deadline. Accordingly, this request seeks permission to transition the Station in a later phase by moving to Transition Phase 9, for which the testing period begins on March 14, 2020 and ends on May 1, 2020.<sup>2</sup>

In the *Transition Scheduling Adoption Public Notice*,<sup>3</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 its 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>4</sup> As demonstrated below, reassigning WADL to a later transition phase will not have any adverse impact on the transition schedule and will allow the Station to stay on the air and continue serving its viewers until it can move to its post-transition channel.

WADL is currently operating on its pre-auction Channel 39 and has been reassigned to post-auction Channel 27. Adell’s transition plan involves the installation of a new top-mounted Channel 27 antenna, transmitter and transmission line at WADL’s existing tower site while the station continues operations on its current Channel 39 with its existing side-mounted antenna. However, despite Adell’s diligent construction efforts, including having ordered all required equipment and arranging for the installation of such equipment by the repack deadline, the tower crew contracted to perform WADL’s antenna installation has advised that due to various delays, the crew cannot commence the required work until mid-March 2020. See attached letter from GTI America Inc. As soon as the tower crew is able to start work, Adell expects that the tower work and equipment installation can be completed within a few days. Upon completion of the

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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) (*Closing and Channel Reassignment Public Notice*).

<sup>2</sup> *Id.*

<sup>3</sup> *Incentive Auction Task Force and Media Bureau Adopt A Post-Incentive Auction Transition Scheduling Plan*, MB Docket No. 16-306 and GN Docket No. 12-268, 32 FCC Rcd 890 (MB 2017) (*Transition Scheduling Adoption Public Notice*).

<sup>4</sup> *Transition Scheduling Adoption Public Notice*, ¶ 49.

new antenna installation, Adell intends to immediately commence WADL's Channel 27 operations and cease operations on Channel 39.

The Station currently operates in the 600 MHz band and is not part of a linked-station set. Accordingly, no station would be impacted adversely by WADL's proposed temporary operations on Channel 39 during Phase 9 as proposed herein. Moreover, a grant of this phase waiver request would not delay any other station's transition.

Adell recognizes that a grant of this proposed phase waiver request will result in an additional number of rescans in the Detroit DMA from three to four rescans, but submits that it is less disruptive for viewers to scan one additional time than to lose over the air service for a station in the market. To help mitigate any viewer disruption, WADL will revise its viewer notifications to prepare viewers for a later transition date and will include local contact information. Moreover, in addition to the required public service announcements and crawls to notify the station's audience of the proposed transition and provide detailed instructions on the rescanning process, WADL will conduct robust and diverse outreach through digital and social media to ensure that viewers will be well-informed of the Station's modified transition schedule. The Station will also notify all impacted MVPDs to ensure they have all information needed to implement the channel change.

The *Transition Scheduling Adoption Public Notice* permitted stations to propose "alternative transition solutions that could create efficiencies," and determined that a request to modify a station's transition deadline would be viewed favorably if the request is "otherwise compliant with [FCC] rules and [has] little or no impact on the phase assignments or transition schedule."<sup>5</sup> As demonstrated herein, Adell's request qualifies for such favorable treatment.

The FCC may grant a waiver for good cause shown.<sup>6</sup> A waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>7</sup> In considering a waiver, the FCC may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>8</sup> Such a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.<sup>9</sup> As demonstrated herein, a grant of this phase change waiver request will facilitate a more effective and efficient implementation of the overall policy goals of the Incentive Auction and post-auction transition, and thus is in the public interest.

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<sup>5</sup> *Transition Scheduling Adoption Public Notice*, ¶ 51, citing *Incentive Auction Task Force and Media Bureau Seek Comment on Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 31 FCC Rcd 10802 (MB 2016).

<sup>6</sup> 47 C.F.R. § 1.3.

<sup>7</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>8</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

<sup>9</sup> *Northeast Cellular*, 897 F.2d at 1166.



**GTI AMERICA INC.**  
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Jan 14, 2020

To Whom it may concern

R.E. WADL repack & antenna installation project:

GTI America has been contracted to perform the antenna installation at WADL Detroit. Due to delays in previous jobs, winter weather delays and limited equipment availability, we are unable to start this job prior to March 2020. This places the station in jeopardy of not being on air to meet their Phase 8 deadline of March 13. While we are investigating the possibility of installing an interim wideband antenna which could be used on the pre- and post- repack channels, our crews may still not be able to complete this in time to meet March 13<sup>th</sup>. The best option would be a delay in WADL's repack to phase 9.

Regards;

John McKay, P.Eng. CBT.  
GTI America Inc. / Grundy Telcom Integration Inc.