

WNET Request for Waiver

WNET, licensee of television station WNET(TV), Newark, NJ, Facility ID No. 18795 (the “Station”) hereby seeks a waiver of the post-Incentive Auction Transition Phase assignment and corresponding testing dates and construction completion deadlines for the Station. Pursuant to the *Closing and Reassignment Public Notice*, the Station was assigned to Transition Phase 9 with a Phase Completion Date of May 1, 2020.¹ It should be noted that the Station’s channel is shared with Station WNDT-CD, Manhattan, NY, Facility ID No. 67866, and Station WMBQ-CD, New York, NY, Facility ID No. 14322, both of which are also licensed to WNET.

WNET has completed a majority of the work required to complete construction of the modified facilities necessary to move the Station to its post-auction channel in accordance with the Phase 9 deadline, and, until recently, fully anticipated that it would meet the May 1 deadline. However, because of circumstances related to declarations of public health emergencies and other actions taken to prevent the spread of the novel coronavirus known as COVID-19, which are wholly beyond the control of WNET, WNET hereby respectfully requests that the transition phase assignment for the Station be modified to Phase 10, with a completion date of July 3, 2020. The travel restrictions imposed in connection with the COVID-19 containment efforts, in particular, will cause unforeseeable delays in WNET’s efforts to complete the work needed for the Station to move to its post-auction channel. Engineering personnel required to retune the Station’s antenna combiner are located outside the United States and are unable to travel here. In addition, to comply with state and local orders, WNET is required to restrict personnel that have access to its broadcast facilities and ensure that only personnel essential to producing and distributing programming and performing other critical functions are provided with access.

In a Public Notice released on March 17, 2020, the FCC stated that television stations such as WNET whose “transition is delayed due to circumstances related to the COVID-19 Pandemic will be granted a waiver of the Phase 9 deadline and reassignment to phase 10.”²

In addition, it is WNET’s understanding that the following stations that are linked to the Station, have already filed or will be filing a similar request for waiver for reassignment to Phase 10: WHYI-TV, Wilmington, DE, WBAL-TV, Baltimore, MD, WJZ-TV, Baltimore, MD, WWPX-TV, Martinsburg, WV and WYOU(TV), Scranton, PA. Modifying the Station’s transition phase will enable it to continue to serve viewers without interruption, which is critical during the Covid-19 national emergency.

¹ *Incentive Auction Closing and Channel Reassignment Public Notice*, Public Notice, 32 FCC Rcd 2786 (WTB and MB 2017 (“*Closing and Channel Reassignment Public Notice*”).

² *Guidance for Stations in Phase 9 of the Post-Incentive Auction as a Result of the Novel Coronavirus (COVID-19) Pandemic*, Public Notice DA 20-282, released March 17, 2020.

Accordingly, for the reasons set forth herein, in accordance with the FCC's March 17, 2020 Public Notice, modification of the Station's transition phase will serve the public interest.