

Request for Extension of Special Temporary Authority

WLS Television, Inc., licensee of WLS-TV, Chicago, Illinois, Facility ID No. 73226 (“WLS”), hereby files the instant application to request an extension of special temporary authority (“STA”) to operate at reduced power on its post-auction channel, channel 22, while it completes construction of its main post-auction facility as authorized by LMS File No. 0000034300 (“Main Facility CP”). In October 2019, WLS (and its channel sharing partner, WXFT, Facility ID No. 60539) timely transitioned from channel 44 to channel 22 pursuant to STA (“Channel 22 STA”). *See* LMS File No. 0000083065. The Channel 22 STA is presently scheduled to expire on April 15, 2020, concurrently with the Main Facility CP.

WLS requests an extension of the Channel 22 STA for an additional 180 days, until **October 12, 2020**, because due to special, rare and exceptional circumstances beyond its control, WLS will be unable to complete construction of the facility authorized by the Main Facility CP by the April 15, 2020 deadline for the reasons more fully described in WLS’s application to waive the tolling standard to extend the Main Facility CP to October 12, 2020, filed concurrently herewith. *See* LMS File No. 0000108713. A copy of the statement explaining the special, rare and exceptional circumstances giving rise to the Main Facility CP tolling waiver request and instant STA extension application is attached hereto as Attachment A.

Grant of this STA extension request is in the public interest because it will allow WLS (and its channel sharing partner WXFT) to continue to broadcast until its main channel 22 antenna can be installed and brought into operation.

Attachment A:
Exhibit to Application for Waiver of Tolling Standard (LMS File No. 0000108713)

Request for Waiver of Tolling Standard to Extend Construction Permits

WLS Television, Inc., Fox Television Stations, LLC, NBC Telemundo License LLC, and Unimas Chicago LLC (the “Chicago Broadcasters”) respectfully request a waiver of the tolling standard set forth at Section 73.3598(b) of the rules of the Federal Communications Commission (“FCC” or “Commission”) as applied to the outstanding post-auction construction permits (“CPs”) for the following broadcast television stations that broadcast from Willis Tower in Chicago:

- WLS-TV, Channel 22, Facility ID No. 73226, and its channel sharing partner, WXFT, Facility ID No. 60539 (“WLS/WXFT”);
- WFLD, Channel 24, Facility ID No. 22211, and its channel sharing partner, WPWR-TV, Facility ID No. 48772 (“WFLD/WPWR-TV”); and
- WMAQ-TV, Channel 33, Facility ID No. 47905, and its channel sharing partner, WSNS-TV, Facility ID No. 70119 (“WMAQ-TV/WSNS-TV” and, collectively with WLS/WXFT and WFLD/WPWR-TV, the “Chicago Stations”).¹

The CPs for the Chicago Stations have been extended for 180 days, and are presently scheduled to expire on April 15, 2020. Based upon the special, rare and exceptional circumstances described below (which circumstances are outside of the control of the Chicago Broadcasters), the Chicago Broadcasters respectfully request a waiver of the FCC’s tolling standard to extend the post-auction CPs for the Chicago Stations for an additional six months, until **October 12, 2020**.

Pursuant to FCC rules, a television broadcast station assigned a new channel during the broadcast incentive auction may seek a single, 180-day extension of its construction permit to enable more time to construct post-auction facilities.² Stations that require additional time may seek a waiver of the tolling standard set forth in Section 73.3598(b) of the FCC’s rules upon a showing of rare and exceptional circumstances.³ The Commission may waive a rule where the particular facts make strict compliance inconsistent with the public interest, special

¹ Attachment A hereto lists the LMS File Numbers for the post-auction construction permits for the Chicago Stations. In addition to the Chicago Stations, WGBO License Partnership, G.P., licensee of WGBO-DT, Facility ID No. 12498 (“WGBO”) is unable to meet its April 15, 2020 construction deadline because construction of WGBO’s main post-auction facility at the John Hancock Center has been delayed due to site safety and winter weather conditions. WGBO expects further delays due to circumstances arising from the COVID-19 pandemic (e.g., potential delays in securing tower crews). *See infra* at note 9.

² 47 C.F.R. § 73.3700(b)(5)(i).

³ *See* Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines, Public Notice, DA 18-884 (rel. Aug. 27, 2018) at ¶ 13 and n. 34. (“Stations may also seek a waiver of the tolling rule to receive additional time to construct in the case where “rare or exceptional circumstances” prevent construction.” (citing 1998 Regulatory Review - Streamlining of Mass Media Applications, Rules and Processes, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17536, para. 42 (1999)).

circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁴ As explained below, such special, rare and exceptional circumstances are present in the case of the Chicago Stations.

As the FCC is aware, the Chicago Stations broadcast from Willis Tower, a densely populated multi-tenant communications platform that supports many full-power television stations (including the Chicago Stations), three Class A television and several FM radio facilities.⁵ All but four of the full-power and Class A television stations that broadcast from Willis Tower were assigned new channels as part of the repacking process.⁶ In order to accomplish these channel changes, Willis Tower has planned, and is implementing, a complex repacking project that involves, *inter alia*, transitioning WLS (and its channel sharing partner WXFT) to a new post-auction main antenna to be installed on the east mast of Willis Tower and transitioning each of WFLD (and its channel sharing partner WPWR-TV) and WMAQ-TV (and its channel sharing partner WSNS-TV) to new post-auction main antennas to be installed on the west mast of Willis Tower. All of the work required to implement the repack, including the fabrication and installation of the new post-auction main antennas, must be coordinated through, and cannot be completed without the involvement of, Willis Tower.⁷

Notwithstanding the complex nature of the post-auction transition for the broadcast stations located at Willis Tower, the Chicago Stations have been working diligently to complete the repack process in accordance with FCC rules and procedures. To this end, the Chicago Stations timely ceased broadcasts on their respective pre-auction channels by the end of Phase 6, and commenced post-auction operations using auxiliary or interim facilities. As explained below, for reasons outside of their control, the Chicago Stations have not yet been able to install the post-auction channel main antennas necessary to complete construction of their main post-auction facilities.

The Chicago Stations contracted with Dielectric to manufacture the three main antennas that will be required for the post-auction facilities of WLS (and its channel sharing partner WXFT), WFLD (and its channel sharing partner WPWR-TV) and WMAQ-TV (and its channel sharing partner WSNS-TV) (collectively, the “Main Antennas”). In the fall of 2019, the structural engineer for Willis Tower informed the Chicago Stations that Dielectric had begun to fabricate the Main Antennas but that this work was not done in accordance with the structural and welding specifications (“Specifications”) provided by Willis Tower and agreed to by Dielectric. Specifically, the weld used for the Main Antennas’ flanges was a non-standard weld that did not conform to the American Welding Society’s AWS D1.1 standard for structural

⁴ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁵ See Attachment B for a list of stations that broadcast from Willis Tower.

⁶ Specifically, the following full-power and Class A television stations at Willis Tower were assigned new channels during the incentive auction: WTTW, WCPX-TV, WFLD, WJYS, WMAQ-TV, WCIU-TV, WLS-TV (which channel shares with WXFT), WEDE-CD, WWME-CD, and WMEU-CD. Two of the full-power television stations, WPWR-TV and WSNS-TV, relinquished their channel assignments in order to channel share with WFLD and WMAQ-TV, respectively. Another two stations (WBBM-TV and WGN-TV) were assigned their pre-auction channels for their post-auction broadcasts.

⁷ Willis Tower is coordinating and managing the antenna, tower and transmission line portion of the repack project at Willis Tower as well as performing all of the planning, structural design and actual work to complete the project.

welding of steel, as was required by the Specifications. Upon this discovery, Willis Tower worked with Dielectric to determine whether the non-standard weld used for the flanges nonetheless would be acceptable for use by the Chicago Stations. Willis Tower ultimately concluded that, so long as the non-standard weld satisfied certain engineering criteria designed to mitigate the likelihood of cracking and brittle steel (“CVN Criteria”), Dielectric could proceed with the fabrication of the Main Antennas. In January 2020, Willis Tower established the procedures for testing the welds used by Dielectric for compliance with the CVN Criteria. Dielectric completed the tasks required under these procedures on March 11 and sent the necessary information and materials to a laboratory for testing and certification with the CVN Criteria. At this time, the results are not expected to be available earlier than March 27.

Assuming the pending laboratory tests of the welds used for the Main Antennas’ flanges demonstrate compliance with the CVN Criteria, there are three additional categories of tasks that must be completed before the Chicago Stations can begin broadcasts with the facilities specified in their post-auction CPs, as follows:

- (1) Antenna Fabrication. Once it is determined that the welds used for the flanges satisfy the CVN Criteria, Dielectric can begin fabrication of the Main Antennas. It is currently anticipated that fabrication will begin in parallel in April for all of the Main Antennas. Although the fabrication process typically takes about sixty days to complete, it is likely that this timeline will be extended due to the need for approximately three to five on-site inspections during certain phases of the fabrication process. Specifically, under the Specifications, representatives from Willis Tower must visually and physically inspect the welds used for the Main Antennas. The parties intend to schedule the on-site inspections as efficiently as possible but, with the current restrictions and difficulties with travel due to the COVID-19 pandemic, it is highly likely that there will be delays in the inspections, and thus the fabrication, process.⁸ In light of this, the Chicago Stations anticipate that fabrication of the three Main Antennas will not be completed earlier than July 2020.⁹
- (2) Structural Engineering and Permits. As discussed above, Willis Tower is relocating some of the broadcast stations, including the Chicago Stations, to new antennas and supporting structures. Willis Tower is in the process of conducting structural engineering studies to determine whether the new antennas and supporting structures comply with the TIA-22-G structural standard, the standard required by the city of Chicago, but has not indicated when these studies will be complete.¹⁰ Once Willis Tower has completed the necessary structural engineering studies, it can begin the process of applying for structural permits required by the city of Chicago for installation of the Main Antennas.¹¹

⁸ The Commission has recognized that there may be suspensions of work related to the repack and other developments as a result of the COVID-19 pandemic that could impact the post-auction transition process. *See* Guidance for Stations in Phase 6 of the Post-Incentive Auction Transition as a Result of Novel Coronavirus (COVID-19) Pandemic, MB Docket No. 16-306, GN Docket No. 12-268, Public Notice (rel. Mar. 17, 2019).

⁹ Concurrently with the fabrication process, Willis Tower will be undertaking ancillary tower work, such as tower interface and dampening, as well as structural reinforcements.

¹⁰ It is the Chicago Stations’ understanding that Willis Tower began the structural engineering process in the summer of 2017 but, due to the complexity of the project, this process has been ongoing.

¹¹ At this time, the Chicago Stations do not anticipate the need for permits other than the structural permits and the helicopter lift permits described elsewhere herein.

Barring any unforeseen issues, structural permits typically can be obtained in approximately thirty days from the date of application.¹²

- (3) Installation by Helicopter Lift. In order for the Chicago Stations to commence operations of their post-auction main facilities, it is necessary to first remove the existing, pre-auction channel main antennas¹³ and then install the three new Main Antennas on the applicable support structure at Willis Tower. Both the removal and installation of antennas must be done via helicopter lifts, which require approvals and permits from the city of Chicago. The Chicago Stations presently anticipate that four to eight helicopter lifts will be required to remove the antennas currently at Willis Tower and install the three new Main Antennas. Given the constraints imposed by the city of Chicago,¹⁴ the helicopter lift process may take as long as twelve weeks, even in the absence of adverse weather conditions.¹⁵

As demonstrated above, completion of construction of the facilities specified by the post-auction CPs is a complex, multi-step process, with the vast majority of the steps outside of the control of the Chicago Broadcasters. In light of these special, rare and exceptional circumstances, waiver of the tolling standard to provide the Chicago Broadcasters with additional time to complete construction of the post-auction main facilities for the Chicago Stations. Grant of this request to the extend the Chicago Stations' CPs to **October 12, 2020** will not harm the public interest because the Chicago Stations all have ceased broadcasts on their respective post-auction channels, and are presently serving their viewers on their post-auction channels.

¹² Willis Tower will use a peer review process for the structural engineering studies. During a peer review, the structural studies will be independently evaluated by one or more professional engineering firms to verify the results. The use of a peer review process can shorten the timeline to obtain structural permits for the installation of the Main Antennas because, in the absence of peer review, the city of Chicago would conduct more in-depth analyses of the structural engineering studies performed by Willis Tower.

¹³ The Chicago Stations have requested that, to the extent possible, Willis Tower coordinate the removal of the existing pre-auction main antennas as soon as feasible in order to mitigate the number of helicopter lifts needed at the time the Main Antennas are ready to install. However, if the pre-auction antennas are removed from their current positions more than six months prior to installation of the new Main Antennas, additional structural certifications will be required (specifically, under the city of Chicago's structural standards, recertification is required if loads are removed for more than six months). As a result, it is the Chicago Stations' understanding that Willis Tower is waiting to remove the existing pre-auction antennas until it can ensure that approval of the structural design and the installation of the new Main Antennas can be achieved within the requisite six-month window.

¹⁴ In the Chicago Stations' experience, the city of Chicago typically approves the use of a helicopter for approximately two hours on Sunday mornings, and requires that these lifts be done at certain times during the month so as to minimize disruptions to the public.

¹⁵ Notably, because installation of the Main Antennas requires the use of a helicopter, the installation cannot be completed in adverse weather conditions, such as the harsh winds and other winter weather common to the Chicago area.

Attachment A
Post-Auction Construction Permits

Call Sign	CP File No.	CP Extension File No.	Channel Share Partner
WLS-TV	0000034300	0000078137	WXFT
WFLD	0000072366	0000082055	WPWR-TV
WMAQ-TV	0000080396	0000078105	WSNS-TV

Attachment B
Willis Tower Broadcast Stations

Callsign	City of License	Facility	Service
WBBM-TV	Chicago, IL	9617	DT
WTTW	Chicago, IL	10802	DT
WCPX-TV	Chicago, IL	10981	DT
WFLD	Chicago, IL	22211	DT
WJYS	Hammond, IN	32334	DT
WMAQ-TV	Chicago, IL	47905	DT
WPWR-TV	Gary, IN	48772	DT
WSNS-TV	Chicago, IL	70119	DT
WCIU-TV	Chicago, IL	71428	DT
WGN-TV	Chicago, IL	72115	DT
WLS-TV	Chicago, IL	73226	DT
WXFT	Aurora, IL	60539	DT
WEDE-CD	Arlington Heights, IL	66978	DC
WWME-CD	Chicago, IL	71425	DC
WMEU-CD	Chicago, IL	168662	DC
WTMX	Skokie, Illinois	6377	FM
WBBM-FM	Chicago, IL	9613	FM
WFMT(FM)	Chicago, IL	10801	FM
WJMK(FM)	Chicago, IL	28621	FM
WGCI-FM	Chicago, IL	51165	FM
WEBG(FM)	Chicago, IL	53971	FM
WLIT-FM	Chicago, IL	70042	FM
WCFS-FM	Elmwood Park, IL	71283	FM
WLS-FM	Chicago, IL	73228	FM
WKSC-FM	Chicago, IL	74178	FM