

## Waiver Request and Facts Justifying Tolling

### The Facts

Station WLRN-TV is one of two PBS-affiliated television stations serving Miami, Florida.<sup>1</sup> Its licensee is the School Board of Miami-Dade County, Florida.<sup>2</sup> Its transmitting antenna is located at the 300 meter level of a 308 meter (1,010 foot) tower in Pembroke Park, Florida. Located directly beneath the WLRN-TV antenna, at the 284 meter level of the tower, is the WLRN-FM antenna. WLRN-FM is a C1 FM station operating with 47 kW ERP. This FM station is the only National Public Radio affiliate serving Miami-Dade and Broward Counties, Florida, and portions of Palm Beach County and Monroe County's Upper Florida Keys.

MDCPS seeks to construct WLRN-TV's final post-auction facilities without significant disruption of public radio service in the four Florida counties served by WLRN-FM. To this end it must procure a temporary or auxiliary FM antenna to install on the lower levels of WLRN-TV's tower. This FM project needs to be coordinated with the following elements of WLRN-TV's post-auction reconstruction: (a) removal and replacement of the Channel 20 auxiliary antenna with a Channel 26 auxiliary antenna; (b) final re-tuning of the WLRN-TV antenna and (c) testing of the re-tuned WLRN-TV antenna and transmission line under full-power conditions. MDCPS estimates that, under normal conditions, this combined project requires approximately five days of tower work, inclusive of time spent rigging and de-rigging the tower.<sup>3</sup>

MDCPS's efforts to implement the project described above have been hampered by procurement difficulties, the unavailability of equipment and problems scheduling a tower crew. Specifically the procurement process has delayed the purchase of tuning sections and elbows needed to finalize re-tuning of WLRN-TV's antenna. Similarly, the procurement process for the interim FM antenna has bogged down in antenna design and bidding problems. The procurement of WLRN-TV's auxiliary TV antenna is also delayed.

As a practical matter, MDCPS must overcome all equipment and procurement issues before it can complete construction of WLRN-TV's final post-auction facilities. This is because of difficulties hiring tower crews piecemeal to install needed equipment. Tower crews are in high demand to complete construction of television stations in other phases of the post-auction repacking of the television band. All aspects of the WLRN-TV construction project must be completed in a single tower crew mobilization. There will be no second chance to obtain a tower crew capable of completing the several elements of this project.

Station WLRN-TV transitioned to its post-auction digital channel, Channel 26, in April of 2019. At the time of the transition, the station's main transmitter had not been delivered. Therefore, the station commenced Channel 26 operations under an STA authorizing operations at reduced

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<sup>1</sup> The other station is WPBT, Miami, Florida.

<sup>2</sup> The licensee is hereafter referred to as the Miami-Dade County Public Schools or "MDCPS."

<sup>3</sup> Specifically the tower crew would be required to travel to Pembroke Park, Florida, rig a gin pole, remove the WLRN-TV Channel 20 auxiliary antenna, hoist the elements of the interim FM antenna and the Channel 26 auxiliary TV antenna and their transmission lines, secure those antennas to the tower and connect associated transmission lines, and re-tune the tuning elbows of the main WLRN-TV antenna.

power, using an interim transmitter. The station's main transmitter is now in place in the WLRN-TV transmitter building. It is connected to power and its heat exchange system.<sup>4</sup> At the present time, the main transmitter is not connected to a dummy load or to the switch that will connect it to the station's transmission line. MDCPS expects to complete transmitter installation prior to the current expiration of the WLRN-TV construction permit. The remaining construction problems relate to compliance with government procurement procedures and to acquiring the equipment needed for tower work to commence on the WLRN-TV and FM antenna installation/re-tuning project.

### Waiver Request

The School Board of Miami-Dade County requests waiver of Rule 73.3598 to permit tolling of the WLRN-TV construction permit. The unavailability of antenna equipment for the WLRN-TV tower project is a result of both antenna design delays and government procurement requirements. These problems are exacerbated by pressures placed upon vendors by the massive size and the extremely tight timetable required by the congressionally-mandated repacking of the television spectrum.

A delay in constructing MDCPS' post-auction television facilities will permit WLRN-TV to overcome government procurement difficulties and to efficiently use tower crew resources in a single crew mobilization. Requiring multiple tower crew mobilizations will increase transition costs and unnecessarily divert resources from other projects in television markets which have not yet transitioned to the post-auction ban plan. Station WLRN-TV is on the air, providing a second PBS television service to Miami, and the public interest is served by (a) allocating tower crews in a fashion that maximizes the chances for additional stations to complete their transition to post-auction channels without forcing them off the air and (b) preserves the only NPR radio service in several Florida counties

The School Board submits that the procurement and tower crew scheduling problems that have prevented final construction of WLRN-TV's main facilities constitute a rare and exceptional circumstance that has prevented timely completion of the facilities authorized on WLRN-TV's post-auction construction permit. On the facts of this case, the public interest is better served by waiving the provisions of Rule 73.3598 and tolling the WLRN-TV construction permit than by application of the rule to prevent completion of the WLRN-TV post-auction reconstruction project.

In view of the foregoing, the School Board of Miami-Dade County requests that the Commission waive the requirements of Rule 73.3598 and toll the running of WLRN-TV's construction permit for six months to allow MDCPS to overcome government procurement obstacles and to free a tower crew for completion of the WLRN-TV reconstruction project.

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<sup>4</sup> The electronic connections that will enable the transmitter to communicate with the heat exchange system are not yet completed.