

## **KLUJ-TV, HARLINGEN, TEXAS, REQUEST FOR CP EXTENSION AND WAIVER OF THE 90-DAY ADVANCE FILING REQUIREMENT**

KLUJ-TV, Harlingen, Texas (FID # 12913) hereby respectfully requests an extension of its repack construction permit (FCC File No. 0000028192) due to expire on May 1, 2020, and a waiver of the 90-day construction permit extension filing deadline. Pursuant to Section 73.3700(b)(5) of the Commission's rules, a station may request a single extension of its construction permit deadline for up to 180 days to complete construction of its post-auction facility. In addition, as noted in the Commission's March 17, 2020 *Public Notice, Guidance for Stations in Phase 9 of the Post-Incentive Auction Transition as a Result of the Novel Coronavirus (COVID-19) Pandemic, Public Notice, DA 20-282* ("COVID19 PN"), stations such as KLUJ-TV, that are impacted by the COVID19 pandemic and unable to meet the Phase 9 transition deadlines will be allowed to reassign to a Phase 10 transition. The *COVID PN* provides that:

"... any station scheduled to complete its transition in phase 9 that believes it may be unable to meet the May 1, 2020, deadline will be granted a waiver of the phase 9 deadline and reassignment to phase 10, which begins on May 2, 2020 and end on July 3, 2020."

As a Phase 9 repack station, KLUJ-TV is facing a May 1, 2020 completion date. Due to continuing developments of the coronavirus crisis in the United States, Coast to Coast Tower Service, the rigging crew scheduled to undertake KLUJ-TV's rigging work, has recalled its crews and suspended field service (copy of notice attached). That recall prohibits KLUJ-TV from completing its repack work, which is why it must now seek an extension of its channel 21 repack CP. These are circumstances beyond the station's control. *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268 et. al., Report and Order, 29 FCC Red 6567,6804-05, ¶¶ 581-2 (2014); see also, 47 CFR § 3.3700(b)(5)(ii) and (iii).

In addition, a waiver of the application filing deadline is also appropriate under these unique circumstances, where strict compliance is inconsistent with the public interest and waiver would relieve hardship, promote equity, and allow a more effective implementation of the Commission's overall frequency repack policies. *Northeast Cellular Telephone Co. v. FCC*, 897 F2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F2d 1153, 1159 (D.C. Cir. 1969), cert. denied, 409 U.S. 1072 (1972); and 47 CFR § 1.3 (waiver for good cause). In addition, granting this CP extension (and also granting the stations companion STA and/or reclassifying of KLUJ-TV to Phase 10) is consistent with the Commission's *COVID19 PN*.

(KLUJ-TV is in the 600 MHz band so no detailed interference study is required to support this request, and there will be no impact on any linked station set since KLUJ is moving to a later phase.)



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March 13, 2020

Dear Customers and Vendors,

Along with the rest of the country we have been watching the developments of the coronavirus in the United States. Due to how rapidly things are changing I have decided to recall our crews and suspend field service for approximately two weeks. I am aware that the pandemic will not be resolved in the next few weeks. However, with the situation changing almost hourly at this time, I feel that pausing field operations for a couple of weeks will allow us to receive reliable information on how we should move forward in our jobs.

Right now there is a lot of emphasis being put on essential vs nonessential travel, employees that can work from are working home, and we should all practice social distancing. Our field service personnel obviously cannot work from home, but that does not mean their safety is less important than someone's safety that can work from home. Additionally, our field service employees travel 40-50,000 miles a year from site to site, which not only increases their potential exposure to the virus, it also increases the potential for our people to spread the virus to others, which is something everyone should also be concerned with. As everyone knows, several of the tower workers in the country rely on hotels for lodging and restaurants for food every day, which makes it difficult to control who you come in contact with.

The field service pause is going to impact our already strained repack schedule. We will be working on the schedule over the coming days and will be reaching out to each customer with schedule developments on their projects.

I apologize in advance for the inconvenience this is going cause some of our customers, but we have to put the safety of our employees' above the repack schedule.

Thanks,

M. Todd Jackson, President  
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