

## Request to Modify Phase Assignment

NBC Telemundo License LLC (“NBCTLL”), the licensee of KTLM, Rio Grande City, Texas (FIN 62354), hereby respectfully requests that the Commission modify the post-incentive auction transition schedule to allow KTLM to test and transition to its post-auction channel facility in transition phase 10 instead of transition phase 9.<sup>1</sup>

KTLM is currently assigned to be repacked from channel 40 to channel 14 in transition phase 9 with a phase completion date of May 1, 2020. Although KTLM was on track to complete its repack channel facility by the phase 9 completion date, the station’s transition has been delayed due to circumstances related to the COVID-19 pandemic, severe weather conditions, and the need to protect incumbent land mobile radio facilities in the 460 to 470 MHz band (aka, channel 14 land mobile facilities). Specifically, the pandemic has reduced the availability of crews to complete construction of KTLM’s post-auction channel facilities. Recent weather conditions in South Texas (e.g., high winds and storms) also prevented work being done on the station’s tower.<sup>2</sup> In addition, KTLM cannot assess whether the station’s post-auction channel 14 facilities will cause interference to existing channel 14 land mobile facilities that must be addressed until construction of KTLM’s post-auction channel facilities have been completed and tested.

In the *Coronavirus (COVID-19) Pandemic Guidance Public Notice*, the Commission recognized that construction and delivery delays as well as efforts undertaken by stations to protect the health of their employees and families in connection with the COVID-19 pandemic are circumstances outside of a station’s control.<sup>3</sup> As a result, the Commission announced in the public notice that any station scheduled to complete its repack transition in phase 9 that can no longer meet the May 1, 2020 phase 9 deadline would be granted a waiver of the transition phase 9 deadline and reassigned to transition phase 10.

In the instant case, KTLM is unable to complete construction of its post-auction channel facility by the May 1, 2020 phase 9 deadline due to circumstances resulting from the COVID-19 pandemic, among other things. Further, there will be no negative impact on the overall transition schedule. KTLM is not part of any linked station set, and thus KTLM will not cause prohibited interference to any station by transitioning in phase 10. In addition, because KTLM currently operates in the 600 MHz band, a short delay in the station’s transition to its repack channel will not create a new linked station set. NBCTLL also notified T-Mobile USA, Inc. (“TMO”) about the circumstances and TMO does not object to KTLM continuing to operate on its pre-auction channel 40 for up to 30 days beyond the current May 1 deadline. KTLM currently plans to transition on May 7, 2020, subject to the FCC’s grant of this request.

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<sup>1</sup> It is noted that the FCC previously modified the phase assignment for KLTM from phase 8 to phase 9 (File No. 0000107244).

<sup>2</sup> For KTLM to transition to its repack channel facility, the station must operate on its pre-auction channel with an interim side-mounted auxiliary antenna facility until the station’s current top-mounted antenna can be removed and replaced with a new repack channel antenna on top of the tower.

<sup>3</sup> See *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, released March 17, 2020 (“*Coronavirus (COVID-19) Pandemic Guidance Public Notice*”).

Accordingly, a grant of the requested modification of the transition schedule for KTLM to transition to its post-auction channel facility in transition phase 10 instead of transition phase 9 and associated waiver will serve the public interest by permitting KTLM to continue serving viewers while the station completes its transition to its repack channel.