

WPSD-TV – Request for Waiver of Construction Permit Extension Application Filing Deadline

WPSD-TV, LLC licensee of WPSD-TV, Paducah, KY (FIN 51991), hereby requests a waiver of the deadline to seek an extension of its Construction Permit (“CP”). WPSD-TV has concurrently has requested an extension of that CP.

Background. As explained in the concurrently filed CP Extension Request, WPSD-TV was scheduled to transition to its post-auction Channel 19 during Phase 9. The WPSD-TV fully intended to commence operating on its new channel by the May 1, 2020 deadline, but its tower consultant, (Tower Consultants, Inc.) informed WPSD-TV by letter on March 5, 2020 that the antenna’s installation has been delayed due to issues outside of the WPSD-TV’s control. WPSD-TV learned that the antenna would not be ready after the deadline by which to seek an extension of its CP had passed.

Pursuant to an Engineering STA filed concurrently with the required CP Extension Request, WPSD-TV intends to commence post-transition Channel 19 operations using an interim facility. Once installation of the permanent antenna has been completed, WPSD-TV will move its operations to that finalized antenna, as authorized by the WPSD-TV’s main facility construction permit.

Waiver Request. The FCC may grant a waiver for good cause shown.¹ A waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.² In considering a waiver, the FCC may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.³ Such a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁴

Grant of the instant request for waiver of the deadline for seeking an extension of a CP would be squarely within the Commission’s policies. Unforeseen circumstances outside of WPSD-TV’s control made it impossible for it to seek the CP extension by the applicable deadline for such a filing.

Moreover, the proposed waiver will serve the public interest by enabling WPSD-TV to seek and obtain an extension in its Construction Permit—thereby avoiding unnecessary disruption to viewers in the market.

¹ 47 C.F.R. § 1.3.

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

³ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

⁴ *Northeast Cellular*, 897 F.2d at 1166.

Conclusion. WPSD-TV respectfully requests that the Commission waive the deadline for filing a request to extend its Construction Permit, so that WPSD-TV may seek and receive an extension in its CP.