

REQUEST FOR EXTENSION OF SILENT STA AND EXTENSION OF WAIVER OF 47 U.S.C. §312(G)

Ross Communications, Ltd. (“RCL”) is the licensee of WRCX-LD, Dayton, OH (Facility ID 69535) (the “Station”). By this request, RCL requests a further extension of silent STA (original FCC File No. LMS 0000078353) and *further extension* of the waiver of the 12-month off air provision of 47 U.S.C. §312(g) granted by the FCC in LMS 0000110821 to preserve the station’s license. The current STA and 312(g) waiver authorizes RCL to remain off the air until August 30, 2020.

Since the grant of the last extension and 312(g) waiver, RCL has done what it can toward implementation. Admittedly, that has been severely limited due to the international Covid-19 pandemic and domestic restrictions implemented to minimize the spread of the virus. The antenna needed for the displacement facility has been delivered but the transmitter, being built in Canada, has been held up by significant delays resulting from domestic and foreign manufacturing production and delivery delays. As indicated in the attached email from Greg Case of Broadcast Technical Engineering, RCL’s tower rigger, it looks like the transmitter will not be on site until mid-October and installation of the transmission line, antenna and transmitter are not likely to occur until October 20, 2020 but he “cannot guarantee it.” As further indicated in the attached letter from Transcom, the transmitter will not ship until late summer. Even if the transmitter is delivered earlier “Transcom will not be able to provide the services to install [RCL’s] equipment until, at the earliest, September 30, 2020.

As RCL previously advised the FCC, WRCX-LD went silent on August 1, 2018, as a result of notification by T-Mobile in April 2018 that it intended to commence operations on its 600 MHz spectrum in PEA #25, where the Station is located, on August 17, 2018. The Station’s displacement application was granted on August 17, 2018 – after the Station went silent (FCC File No. LMS 0000054778). While working toward getting the Station back on the air before the original 12-month off air deadline and attempting to build out the Station’s CP facilities, the Station, tower, its principal and its staff suffered very serious damages from an E4 tornado on May 27, 2019.

Section 312(g) provides that “If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness.” 47 U.S.C. § 312(g).

In the *Incentive Auction Report and Order*, the Commission explained that it would be receptive to requests for waivers of Section 312(g) as a result of the repacking process, “tak[ing] into account the extent to which a station has been involuntarily forced to remain dark as a result of the repacking process and whether, in light of the facts presented, equity and fairness dictate a license extension or reinstatement and a waiver.”^{1 2} The Media Bureau expanded upon this position in the *Post-Incentive Auction Procedures Public Notice*, explaining that in considering requests for waiver of Section 312(g), it “will examine whether the station has demonstrated that its silence is the result of compelling reasons

¹ *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order,

² FCC Rcd 6567 ¶ 585 (2014), *aff’d*, *Nat’l Assoc. of Broadcasters, et al v. FCC*, 789 F.3d 165 (D.C. Cir. 2015)

Transcom Corporation

P.O. Box 26744
Elkins Park, PA 19027

215-938-7304
transcom@fmamtv.com

July 6, 2020

Glenn Ross
WRCX TCV
708 Hillcrest Avenue
Dayton, OH

CC: Kathleen Victory, Co-Managing Member
Fletcher Heald & Hildreth, PLC

RE: Installation Time line

Dear Mr. Ross,

The Covid 19 virus epidemic has caused numerous problems in the east coast and middle states. For many months this area was closed down to engineers and installation crews. Many states did not allow anyone into TV or Radio sites for any purpose other than emergency service.

Numerous factories were closed or on limited shift operation. This has impacted the manufacture of your antenna, transmitter and other items needed for your build out.

Now there has been a relative normalization of commercial operation and traffic. The events noted above have created a huge backlog. We are in the midst of trying to meet the installation needs of numerous TV and Radio stations. This backlog has forced us to create a compressed schedule. This schedule is limited by the number of installers and a commitment to their safety. We cannot rush the engineers and crews. Safety and correct procedure are our main focus.

Given these details, I implore you to request the FCC provide a time extension for WRCX. Many items are still in manufacture. These will ship late summer. Transcom will not be able to provide the services to install your equipment until, at the earliest, September 30, 2020.

Sincerely,


Martin Cooper
President

beyond the station's control, including facts that relate to the post-auction transition process."³ Similarly, in a public notice reminding repacked stations of their post-auction deadlines, the Media Bureau and the Incentive Auction Task Force stated "In considering requests to extend or reinstate a license, we will examine whether the station has demonstrated that its silence is the result of compelling reasons beyond the station's control, including facts that relate to the post-auction transition process."⁴

Despite RCL's diligent efforts to complete construction and implementation of its displacement facilities, the pandemic and the measures imposed to limit the spread of the contagion are completely beyond RCL's control and have adversely affected RCL's window of installation and prevent its ability to complete construction by April 9, 2020.

While intends to get the CP installed as soon as possible, because the ongoing impact of the COVID-19 pandemic is unknown, RCL hereby requests an extension for additional time to complete the digital repack CP. While completion may well occur by the end of November 2020, out of an abundance of caution, RCL requests a full 180-day extension so that, hopefully, further extension requests can be avoided. We believe this should give us enough time to re-coordinate shipping with the manufacturer, and installation with the equipment installers, a window that works for everyone.

³ *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd. 858 ¶ 49 (IATF/MB 2017).

⁴ *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, MB Docket No. 16-306, GN Docket No. 12-268, DA 18-884 n. 25 (MB/IATF Aug. 27, 2018) (citing *Christian Broadcasting of East Point, Inc.*, 30 FCC Rcd. 13975, 13976-77, para. 4 (2015)).

Kathleen Victory

Subject: FW: Installation Timeline

From: Skip Ross [mailto:skipross3@gmail.com]
Sent: Friday, July 10, 2020 9:26 AM
To: Kathleen Victory <victory@fhhlaw.com>
Subject: Fwd: Installation Timeline

Sent from my iPhone

Begin forwarded message:

From: Greg Case <Greg@bteradio.com>
Date: July 9, 2020 at 11:08:05 PM EDT
To: skipross3@gmail.com
Subject: FW: Installation Timeline
Reply-To: <Greg@bteradio.com>

Mr. Ross,

You were requesting a time line on the installation of the WRCX transmission line, antenna and transmitter. You originally stated that the system needed to be on line by 8/30/2020. Due to covid-19 delays and scheduling problems it will be difficult for us to do the installation by that date. We may be able to complete the installation by 10/20/2020 but cannot guarantee it. At this point it also looks like the transmitter will be delayed and will not be on site until mid-October.

Greg Case
Broadcast Technical Engineering
2206 Broadway
Fort Wayne, IN. 46802
260-471-5850



Virus-free. www.avast.com