

Request for Waiver of Tolling Rule

Nexstar Broadcasting, Inc. (“Nexstar”), the licensee of WDTN(TV), Dayton, Ohio, FAC ID 65690 (the “Station”), pursuant to 47 C.F.R. §73.3598(b)(1) of the Commission’s rules, respectfully requests a waiver of the tolling rules and seeks a brief extension of its post-auction construction permit (“CP”) for Channel 31. See LMS File No. 0000082150. The Station, an NBC affiliate located within the Dayton, Ohio Designated Market Area (Ranked 63), is currently operating on its post-auction Channel 31 using interim facilities as authorized in FCC LMS File No. 0000110596.¹ The instant request is based on the following circumstances.

The Commission’s rules accommodate one 180-day post-transition construction permit extension.² Any subsequent requests for an extension of time to construct are subject to the Commission’s Tolling Rule.² Nexstar’s original CP, issued in July 2017, was slated to expire on October 18, 2019 at the conclusion of the Transition Phase 6.³ As the Media Bureau is aware, Nexstar was unable to construct the WDTN(TV) post-transition facilities by the conclusion of Phase 6 due to weather and rigging delays. Consequently, Nexstar sought and received a waiver to move to Transition Phase 7 with a completion date of January 17, 2020. See FCC LMS File No. 0000081837. In October 2019, Nexstar sought and received special temporary authority (“STA”) to commence interim operations on its post-auction Channel 31. See FCC LMS File No. 0000087075. In January 2020, Nexstar sought and received an extension of WDTN(TV)’s construction permit – until July 15, 2020. See FCC LMS File No. 0000094640.

¹ In October 2019, Nexstar sought and received special temporary authority (“STA”) to commence interim operations on its post-auction Channel 31. See FCC LMS File No. 0000087075. The current STA expires on July 15, 2020. Nexstar is concurrently submitting an extension of the special temporary authority to continue interim operations on its post-auction Channel 31. See FCC LMS File No. 0000117798, which remains pending.

² 47 CFR §73.3700(b)(5).

³ *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced, Public Notice*, 32 FCC Red 2786 (WTB & MB 2017) (Closing and Channel Reassignment Public Notice).

As the Commission knows, due to the limited rigging resources, weather conditions and other intervening conditions, such as the COVID Pandemic, installation schedules and equipment availability have been impacted, and as such, have made it impossible for Nexstar to meet the WDTN(TV) July 15, 2020, construction deadline. These unexpected and uncontrollable events should be considered rare and exceptional circumstances.

Accordingly, Nexstar seeks a waiver of the tolling rules and a brief extension of time to complete the final post-transition Channel 31 facility – until December 30, 2020. This duration would allow Nexstar and its associated installation crew to complete the process with time to spare should unavoidable weather or adverse technical conditions persist through the early fall months. This request is in the public interest as it would allow the Station to continue providing broadcast service to its community of Dayton, Ohio.