



Federal Communications Commission
Washington, D.C. 20554

September 29, 2021

Univision New York, LLC
Christopher G. Wood
5999 Center Drive
Los Angeles, CA 90045
CWOOD@UNIVISION.NET
(via electronic mail)

Re: Request for Invoice Deadline
Extension
WFUT-DT, Newark, NJ
Facility ID No. 60555
LMS File No. 0000158711

Dear Licensee,

On September 24, 2021, Eastern Television Corporation (Licensee), the licensee of WFUT-DT, Newark, New Jersey (WFUT or Station), filed the above captioned request, as amended (Request) for extension of the Commission's invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimbursement Fund or Fund) from the first invoice filing assignment deadline of October 8, 2021, to the second invoice filing assignment deadline of March 22, 2022. For the reasons below, we grant Licensee's Request and extend the date of the Station's invoice filing assignment deadline to March 22, 2022.

Background. Pursuant to the Commission's direction, the Incentive Auction Task Force and Media Bureau set deadlines for final invoice submission to the Reimbursement Fund using a phased assignment approach.¹ All repacked stations assigned to Phases 1 through 5 of the Transition Scheduling Plan, and repacked stations that were granted permission to transition prior to the Phase 1 testing period, are required to submit all remaining invoices and supporting documentation using the Reimbursement Form, and initiate interim close-out procedures, no later than October 8, 2021. We stated that we did not anticipate a need to grant extensions because the deadline is more than a year after the July 13, 2020, statutory end of the transition period and more than a year after the announcement of the invoice filing assignment deadline. However, in the unlikely event that an entity faces circumstances beyond its control, we may consider a limited extension by means of shifting an entity with the first (October 8, 2021) invoice filing assignment deadline to the second (March 22, 2022) invoice filing assignment deadline.² An entity requesting such a shift must provide evidence that circumstances requiring the extension were outside of its control, such as local zoning or a force majeure event occurring proximate to

¹ See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6815-16, 6819, paras. 607, 616-17 (2014) (*Incentive Auction R&O*), *aff'd*, *Nat'l Ass'n of Broadcasters v. FCC*, 789 F.3d 165 (D.C. Cir. 2015); *Invoice Filing Deadlines for TV Broadcaster Relocation Fund*, Public Notice, 35 FCC Rcd 11273, 11277, paras. 10-11 (MB/IATF 2020) (*Invoice Filing Deadline PN*) (setting three filing deadlines for submission of all remaining repack invoices: for eligible entities assigned repack transition completion dates in the first half of the 39-month post-auction transition period, the deadline for submitting all remaining invoices is October 8, 2021; the deadline for entities assigned completion dates in the second half of the transition period is March 22, 2022; and the deadline for all other participants in the reimbursement program is September 5, 2022).

² See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.

the final submission deadline.³ We will not consider the availability of reimbursement or the status of specific reimbursement requests to be a mitigating factor in evaluating extension requests and we will not grant extensions that do not provide the staff with sufficient processing time to complete close-out procedures for all stations.⁴

Licensee requests an extension of the invoice filing assignment deadline from the first (October 8, 2021) to the second (March 22, 2022) invoice filing assignment deadline for the Station. The Station transitioned to its post-auction channel prior to September 11, 2019, and currently is operating from permanent facilities on its post-auction channel.⁵

Licensee states that, as of June 2021, all construction-related transition work was completed for its challenging relocation on the Empire State Building, but there are a few small ancillary projects that are in the process of being completed. Specifically, these projects included finalizing the close out of the local building permit process for the Station's cancelled side-mount antenna. Licensee states that it expects to submit the vast majority of invoices by October 8, 2021, but does not believe it will receive all invoices for the remaining ancillary work by that deadline. Licensee estimates that it will be able to submit these final invoices by the end of November 2021. Given the foregoing, Licensee requests that the Station's invoice submission deadline be extended to March 22, 2022.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Station's invoice filing assignment deadline from the first (October 8, 2021) to second (March 22, 2022) invoice filing assignment deadline. Licensee has demonstrated that circumstances beyond its control require the extension. We also find that grant of Licensee's request is not likely to negatively impact the staff's ability to process the Station's invoices or its ability to complete close-out procedures for all stations. We therefore conclude that the public interest will be served by grant of the extension. We strongly encourage the Station to diligently pursue submission of all remaining invoices and initiate close-out procedures as early as possible without waiting for the second (March 22, 2022) invoice filing assignment deadline.

We remind the Licensee that pursuant to the Spectrum Act, the Stations are eligible for reimbursement for costs "reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other."⁶ Additional expenses incurred, such as expenses resulting from changes in a Station's transition plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund. Furthermore, the Station's failure to complete any remaining construction in a timely manner and to make final submissions by the assigned invoice filing assignment deadline could preclude the Station from receiving full reimbursement because unobligated amounts in the Fund must be rescinded to Treasury by July 3, 2023.⁷

³ *Id.*

⁴ *Id.*

⁵ See LMS File No. 0000145108. WFUT was repacked from channel 30 to channel 26.

⁶ 47 U.S.C. § 1452(b)(4)(A)(i). See also *Incentive Auction R&O*, 29 FCC Rcd at 6821, para. 622 ("The appropriate scope of 'costs reasonably incurred' necessarily will have to be decided on a case-by-case basis.").

⁷ See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.

In consideration of the above facts, Univision New York, LLC's request for extension of invoice filing assignment deadline **IS GRANTED**. The invoice filing assignment deadline for WFUT-DT, Newark, New Jersey, **IS MODIFIED TO March 22, 2022**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Matthew Delnero, Esq.