



Federal Communications Commission  
Washington, D.C. 20554

October 8, 2021

Gray Television Licensee, LLC  
4370 Peachtree Road, NE  
Atlanta, GA 30319  
[allfcclds@gray.tv](mailto:allfcclds@gray.tv)  
(via electronic mail)

Re: Requests for Invoice Deadline  
Extension  
WISE-TV, Fort Wayne, IN  
KTIV(TV), Sioux City, IA  
Facility ID Nos. 13960 and 66170  
LMS File Nos. 0000163264 and  
0000163267

Dear Licensee,

On October 7, 2021, Gray Television Licensee, LLC (Licensee), the licensee of WISE-TV, Fort Wayne, Indiana (WISE) and KTIV(TV), Sioux City, Iowa (KTIV) (collectively Stations), filed the above captioned requests (Requests) 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 Requests and extend the date of Stations' 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.<sup>1</sup> 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.<sup>2</sup> 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

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<sup>1</sup> 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).

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

the final submission deadline.<sup>3</sup> 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.<sup>4</sup>

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 Stations. The Stations transitioned to their post-auction channels prior to September 11, 2019, and currently are operating from permanent facilities.<sup>5</sup>

Licensee explains that it only recently acquired the Stations in August 2021. Upon acquisition, Licensee discovered that, although the Stations began operating on their post-auction channels in December 2018, installation of their remote monitoring equipment at their antenna towers was not completed at that time. Licensee explains that, when the monitoring components were initially ordered, they did not meet the initial delivery objectives. Licensee states that tower crews were not immediately available to return to the sites once the components were received. While it is working to complete the installation of the systems as expeditiously as possible, Licensee states that it will be subject to seasonal weather delays and could take several months before it is completed. Licensee currently estimates that it will complete the work no later than February 28, 2022.

*Discussion.* Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Stations' 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 Stations' 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 Stations 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."<sup>6</sup> 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 Stations' 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 Stations from receiving full reimbursement because unobligated amounts in the Fund must be rescinded to Treasury by July 3, 2023.<sup>7</sup>

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See LMS File Nos. 0000064330 and 0000063868. WISE was repacked from channel 18 to 34 and KTIV from channel 41 to channel 14.

<sup>6</sup> 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.").

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

In consideration of the above facts, Gray Television Licensee, LLC's requests for extension invoice filing assignment deadline **ARE GRANTED**. The invoice filing assignment deadlines for WISE-TV, Fort Wayne, Indiana and KTIV(TV), Sioux City, Iowa, **ARE MODIFIED TO March 22, 2022**.

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc (via electronic mail): Ari Meltzer, Esq.