



Federal Communications Commission  
Washington, D.C. 20554

March 21, 2022

KGO Television, Inc.  
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New York, NY 10023  
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(via electronic mail)

Re: Request for Invoice Deadline Extension  
KGO-TV, San Francisco, CA  
Facility ID No. 34470  
LMS File No. 0000185003

Fox Television Stations, LLC  
Ann West Bobeck, Esq.  
101 Constitution Ave., NW  
Suite 200 West  
Washington, DC 20001  
[ann.bobeck@fox.com](mailto:ann.bobeck@fox.com)  
(via electronic mail)

Re: Request for Invoice Deadline Extension  
KTVU(TV), Oakland, CA  
Facility ID No. 35703  
LMS File No. 0000185002

San Francisco Television Station KBCW Inc.  
Daniel G. Ryson  
2020 M. St., NW - Licensing Department  
Washington, DC 20036  
[dryson@cbs.com](mailto:dryson@cbs.com)  
(via electronic mail)

Re: Request for Invoice Deadline Extension  
KBCW(TV), San Francisco, CA  
Facility ID No. 69619  
LMS File No. 0000184998

RNN National, LLC  
Christian French  
800 Westchester Avenue  
Suite 640  
Rye Brook, NY 10573  
[cfrench@rnntv.com](mailto:cfrench@rnntv.com)  
(via electronic mail)

Re: Request for Invoice Deadline Extension  
KCNS(TV), San Francisco, CA  
Facility ID No. 71586  
LMS File No. 0000185064

Rural California Broadcasting Corporation  
Darren LaShelle  
5850 Labath Avenue  
Rohnert Park, CA 94928  
[Darren\\_LaShelle@norcalpublicmedia.org](mailto:Darren_LaShelle@norcalpublicmedia.org)  
(via electronic mail)

Re: Request for Invoice Deadline Extension  
KPJK(TV), San Mateo, CA  
Facility ID No. 58912  
LMS File No. 0000185299

Dear Licensees,

On February 17, 2022, KGO Television, Inc., the licensee of KGO-TV, San Francisco, California (KGO); Fox Television Station LLC, the licensee of KTVU, Oakland, California (KTVU); and San Francisco Television Station KCBW Inc., the licensee of KCBW, San Francisco, California (KCBW) (collectively the Sutro Broadcasters) filed the above captioned requests for extension of the Commission's invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimbursement Fund or Fund) from the second invoice filing assignment deadline of March 22, 2022, to the third and final

invoice filing assignment deadline of September 6, 2022.<sup>1</sup> On February 18 and 24, 2022, RNN National LLC, licensee of KCNS(TV), San Francisco, California, and Rural California Broadcasting Corporation, licensee of KPJK(TV), San Mateo, California, respectively, filed similar requests as captioned above; these requests cite the Sutro Broadcasters requests in support of the KCNS and KPJK (the Stations) requests to extend the March 22, 2022 deadline to September 6, 2022. For the reasons below, we grant the Sutro Broadcasters' and the Stations' requests (Requests) and extend the date of the Sutro Broadcasters' and Stations' invoice filing assignment deadlines to September 6, 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>2</sup> All repacked stations assigned to Phases 6 through 10 of the Transition Scheduling Plan are required to submit all remaining invoices and supporting documentation using the Reimbursement Form, and initiate interim close-out procedures, no later than March 22, 2022. 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 second (March 22, 2022) invoice filing assignment deadline to the third and final (September 6, 2022) invoice filing assignment deadline.<sup>3</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 the final submission deadline.<sup>4</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>5</sup>

The Sutro Broadcasters and Stations request extensions of the invoice filing assignment deadline from the second (March 22, 2022) to the third and final (September 6, 2022) invoice filing assignment deadline for their respective stations. The Sutro Broadcasters and Stations have transitioned to and are operating from their post-auction channels but state that, due to circumstances beyond their control, they

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<sup>1</sup> The third and final invoice filing deadline was set for September 5, 2022. However, because Labor Day, a federal holiday, falls on Monday, September 5, 2022, the third and last invoice filing deadline is Tuesday, September 6, 2022. See *TV Broadcaster Relocation Fund Invoice Filing Deadline Approaches In Sixty Days*, Public Notice, DA 22-72, para. 4 (MB/IATF Jan. 21, 2022).

<sup>2</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*), subsequent history omitted; *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 6, 2022).

<sup>3</sup> See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.

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

<sup>5</sup> *Id.*

will incur additional expenses for work required on the Sutro Tower (Tower), which is owned by Sutro Tower, Inc. (STI).<sup>6</sup>

The Tower is located in a residential area of San Francisco and must comply with local zoning, land use and permitting laws and regulations. The Sutro Broadcasters state that “the primary reason the Sutro Broadcasters have been unable to make all of the required structural improvements, and thus complete the repack process, is due to the fact that, despite the efforts of STI (working on behalf of its tenants, including the Sutro Broadcasters), the City has not yet approved the long-pending application to implement required improvements through the cladding elimination.”<sup>7</sup>

The Sutro Broadcasters, along with STI, sought authority from the city of San Francisco (City) in 2017 to replace the broadcast antennas used by the repacked Stations and remove the architectural cladding existing on the vertical legs of the Tower to reduce weight and lessen wind loading in compliance with local wind and seismic standards. Two years of discussions with the City, local politicians, and neighborhood stakeholders did not generate the requisite approvals. But the City accepted a modified repack application that bifurcated the required work into two parts which allowed the Sutro Broadcasters and Stations to meet their deadlines for transitioning to their post-auction channels while they continued to work to meet several conditions.

The Sutro Broadcasters state that despite their best efforts, STI has continued to encounter significant obstacles in obtaining City approvals for the cladding elimination structural improvements due to the City’s efforts since 2019 to designate Sutro Tower a historical resource. On April 26, 2021, STI provided the final report to satisfy the Structural Analysis Condition requested that the City commence the environmental review process for the cladding elimination project, which is required under the California Environmental Quality Act and is thus a prerequisite to the City’s approval of the cladding elimination application. Yet, as of the date of the extension Requests, despite numerous requests and the passing of over nine months, the City had not yet designated its environmental consultant to conduct the impact assessment. The Sutro Broadcasters and Stations therefore will not be able to provide all invoices for remaining Tower work and related expenses by the March 2022 deadline, despite their best efforts.

*Discussion.* Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Sutro Broadcasters’ and Stations’ invoice filing assignment deadline from the second (March 22, 2022) to third and final (September 6, 2022) invoice filing assignment deadline. The Sutro Broadcasters and Stations have demonstrated that circumstances beyond their control require the extension. We also find that grant of the Requests is not likely to negatively impact the staff’s ability to process the Sutro Broadcasters’ and Stations’ invoices or 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 Sutro Broadcasters and Stations to diligently pursue submission of all remaining invoices and initiate close-out procedures as early as possible without waiting for the third and final (September 6, 2022) invoice filing assignment deadline. We remind the Sutro Broadcasters and the Stations 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>8</sup> Additional expenses incurred, such as expenses resulting from changes in a station’s transition

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<sup>6</sup> See LMS File No. 0000185003.

<sup>7</sup> Request at 5.

<sup>8</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.”).

plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund.

**We caution the stations that we do not anticipate allowing further extensions of the final September 6, 2022 invoice filing deadline. A 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 that station from receiving full reimbursement.** Unobligated amounts in the Fund must be rescinded to Treasury and the Commission staff (with the support of the Fund Administrator) must have sufficient time to fully process all reimbursement requests and complete close-out procedures prior to July 3, 2023.<sup>9</sup> The Fund Administrator will initiate close out procedures for any entity that has failed to initiate interim close-out procedures by the September 6, 2022 invoice filing deadline. Any unused allocations made to that entity's account will be returned to the Fund and made available for allocation to other program participants or rescinded to Treasury.

In consideration of the above facts, the requests for extension of invoice filing assignment deadlines of KGO Television, Inc.; Fox Television Station LLC; San Francisco Television Station KCBW Inc.; RNN National, LLC; and Rural California Broadcasting Corporation **ARE GRANTED**. The invoice filing assignment deadlines for KGO-TV, San Francisco, California; KTVU, Oakland, California; KCBW, San Francisco, California; KCNS, San Francisco, California; and KPJK, Mateo, California, **ARE MODIFIED TO September 6, 2022**.

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc (via electronic mail): Susan Fox, The Walt Disney Company, at [Susan.Fox@disney.com](mailto:Susan.Fox@disney.com)  
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<sup>9</sup> See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.