

Request for Extension of Special Temporary Authorization

Connecticut Public Broadcasting, Inc. (“Licensee”), licensee of television station WEDW(TV), Bridgeport, Connecticut (Fac. ID 13594) (“Station”),¹ hereby submits this request for an extension of its special temporary authority (“STA”) to continue broadcasting on its post-auction DTV channel (21) from a single transmission site while the Licensee completes construction of its permitted distributed transmission system (“DTS”). The STA was most recently extended January 20, 2022, and expires on July 19, 2022. See LMS File No. 0000180285.

Previously, the Station’s DTS construction permit (the “CP”) was tolled until resolution of an appeal of the grant of the CP. See File No. 0000130170 (tolling the Station’s CP “for 536 days from the date of final action of the judicial appeal of the grant of [the CP]”).² Following final resolution of the judicial appeal, the Commission staff extended the construction permit so that it currently expires on May 12, 2023. In the interim, the Station operates on its assigned post-auction channel (21) from a facility near Bridgeport pursuant to the STA.

With the final resolution of the litigation, Licensee entered into lease to use Empire State Building (“Empire”) for the DTS 2 site. The Licensee filed a modification of the CP in 0000193340 on June 14, 2022 (“Modification Application”), which is currently pending. The most recent Modification Application requests that the antenna be mounted lower down on the mast than originally planned in order to meet mechanical requirements of the existing structure.

The major equipment pieces are on order. Delivery is expected later this year. The Licensee expects construction to be completed by the end of the year.

The Commission should extend the STA and allow WEDW to continue operating on its post-auction channel with temporary facilities until construction of the permanent facilities is completed. The FCC has indicated that “in order to facilitate timely construction of new facilities and to minimize any time broadcasters may be off the air,” reassigned stations and band changing stations may request an STA to operate with temporary facilities while they complete construction of their post-auction channel facilities.³ Among the options for a

¹ Licensee is a party to a channel sharing agreement with full power television station WZME(TV), Bridgeport, Connecticut (Fac. ID 70493).

² On June 25, 2021, the United States Court of Appeals for the District of Columbia Circuit issued an unpublished order dismissing PMCM’s appeal. See *PMCM TV, LLC v. FCC*, Case No. 20-1334 (D.C. Cir. Slip Op. June 25, 2021) (the “June 25 Order”). The June 25, 2021, Order became final after November 22, 2021.

³ *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, DA 17-106 ¶ 46 (rel. Jan. 27, 2017) (citing *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd. 6567 ¶ 584 (2014)).

temporary facility is “a station operating on its assigned post-auction channel with parameters at variance from its post-auction construction permit.”⁴

Grant of the instant request is not likely to negatively impact the overall transition schedule and will not cause interference to other stations because the Station is already operating on its post-auction channel pursuant to the STA. An extension of the STA will allow the Station to continue providing service now that the appellate status of the DTS Application is fully and finally resolved, lease negotiations are completed, and major pieces of equipment are on order. On the other hand, if the Commission denies the instant request, the Station (and its channel sharing partner) will have no choice but to temporarily suspend operations.

For the foregoing reasons, the Licensee respectfully requests a grant of the instant request for extension of the STA.

⁴ *Id.* ¶ 47.