

Request for Extension of Time for Submission of WTZP-LD's Eligible Invoices for Reimbursement

Eagle Broadcasting Group, Inc. (“licensee”), licensee of WTZP-LD, Portsmouth, Ohio (Facility ID 68009) (“WTZP”), respectfully seeks an extension to and including March 6, 2023, of its current September 6, 2022, deadline by which to submit all remaining invoices for reimbursement of eligible repack expenses from the TV Broadcaster Relocation Fund (“Fund”).¹ As discussed in greater detail below, an extension in this case would serve the public interest by addressing the fact-specific, unavoidable circumstances that have rendered it impossible for all reimbursable repack work for WTZP-LD to be completed and final invoices generated (and/or paid) by the current September 6, 2022, deadline.

As the Incentive Auction Task Force and Media Bureau (“IATF/MB”) have observed, limited extension of the September 6, 2022, invoice submission deadline for LPTV (and other) stations may be appropriate where there is “evidence that circumstances requiring the extension were outside of [the station’s] control”² In the case of WTZP, the licensee has diligently pursued construction of its authorized displacement facilities, as evidenced most clearly by the fact that post-displacement the station is and for some time has been on-air on its new channel providing service to the public. However, unanticipated circumstances caused the licensee to have to borrow and install interim equipment and operate WTZP at reduced power from authorized parameters—the licensee has been operating pursuant to STA since January 2022.³ See LMS File Nos. 0000178481 (January 2022 granted STA request for interim, reduced-power facilities while necessary tower reinforcements occur and replacement antenna was ordered), 0000195580 (extension of same STA). Unfortunately, due to supply-chain issues various equipment required to complete WTZP’s repack construction and resume full-power operation, including transmission line, transmitter, and antenna, cannot be received until October 2022. See **Exhibit A** (Dielectric letter, attached); **Exhibit B** (GatesAir letter, attached). That equipment is necessary for WTZP to continue to be able to deliver meaningful, community-focused programming, emergency alerts, and entertainment programming to the public in WTZP’s community of license and beyond.⁴

¹ The licensee respectfully submits that a modified March 6, 2023, deadline would not materially impact the Commission Staff’s need for sufficient processing time to complete close-out procedures for all remaining stations in the post-Auction reimbursement program. See *Incentive Auction Task Force and Media Bureau Remind Reimbursement Program Participants that the Third and Final Filing Deadline Approaches in 30 Days*, Public Notice, DA 22-817, n.5 (IATF/MB Aug. 4, 2022). An LMS search conducted September 6, 2022, indicates that only approximately a few dozen Legal STA applications have been filed for TV translator / LPTV stations since July 1, 2022, meaning that only a small universe of reimbursement invoice submission extension requests have the potential to affect the processing time for close-out procedures. See the attached **Exhibit C**. To the extent FCC Staff disagrees with that assessment, the licensee respectfully requests an extension through whatever date would provide Commission Staff with sufficient processing time.

² *E.g., id.* at n.5.

³ Prior to retaining current counsel, the licensee mistakenly filed an application for a license to cover its full displacement facilities instead of an STA for its interim, reduced-power operations. Compare LMS File No. 0000054002, with LMS File No. 0000074508. At the time of filing, the licensee believed that the license application was the filing necessary to cover its interim, reduced-power operations. WTZP is now operating pursuant to STA. See LMS File Nos. 0000178481, 0000195580.

⁴ Among other programming, WTZP provides a local news program every weeknight, local sports programming from area schools in south Ohio, coverage of many live local events such as parades and derbies, a 24/7 weather radar on one of its multicast programming streams, and a viable option for true local business

Furthermore, WTZP is located on a tower owned by a third party—The Ohio State University (the “University”)—and under the terms of the tower lease WTZP is financially responsible for various remaining tower work that is required for WTZP to complete construction of its final displacement facilities. First, a Notice of Alteration must be (but has not yet been, to the licensee’s knowledge) filed with the FAA, as well as a subsequent update to the ASR to reflect the new FAA Air Study number that will be issued to cover the addition of WTZP’s final displacement facilities to the tower. *See* ASR No. 1027116 (currently covered by FAA Air Study 97-AGL-1456-OE). The University also has been investigating whether tower modifications relating to WTZP’s channel change would require, as a matter of Ohio state law, that the tower be brought into compliance with the latest ANSI standard. WTZP has on multiple occasions made the tower owner aware of the September 6, 2022, reimbursement invoice submission deadline, and in an effort to facilitate the University’s investigation, WTZP’s repack contractor has assisted with a structural tower analysis, guy line anchor evaluations, and other analyses of tower appurtenances. Ultimately, however, WTZP has no control over the University’s evaluation timeline or processes. Given the timing, any reimbursable components of the foregoing required work would necessarily occur after September 6, 2022.

Additionally, it bears noting that WTZP has consistently and regularly submitted invoices for eligible WTZP-LD repack services throughout the reimbursement period, as demonstrated by the nearly twenty Form 399 filings currently reflected in LMS. WTZP’s diligence in completing and filing those Forms 399 show both that (1) WTZP has not been a displacement or reimbursement laggard, but instead has consistently endeavored to move its repack project forward as expeditiously as reasonably practicable under the circumstances, and (2) WTZP is not requesting this extension of time with the intent of filing numerous Forms 399 or numerous invoices covering reimbursement expenses that have already been incurred. To the contrary, this extension request primarily relates to invoices for work that has not yet been performed and could not have been performed earlier given the circumstances and timing constraints noted above.

The facts and circumstances here relating to WTZP’s inability to incur all reimbursement-related expenses prior to the September 6 deadline are similar to many of the factors IATF/MB routinely considered relevant to repack construction permit extension requests. *See, e.g., Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, Public Notice, 33 FCC Rcd 8240, at ¶ 12 (IATF/MB Aug. 2018) (citing among circumstances relevant to consideration of construction permit extension requests “delays in construction due to the unavailability of equipment or a tower crew,” “tower lease disputes,” “unusual technical challenges,” or “delays caused by the need to obtain government approvals, such as land use or zoning approvals” for the work to be performed).

Because of the foregoing unusual and exceptional circumstances beyond WTZP’s control, a grant of a limited extension to March 6, 2023, of the deadline for WTZP to submit its final repack-related invoices for reimbursement is warranted, does not contravene the public

advertising. *See generally* WTZP the Zone, *Watch the Zone* (last visited Aug. 30, 2022), <https://www.watchthezone.com/> (noting on advertising page that: “We are dedicated to ou[r] local communities and we will do everything in our power to get you the business you need”).

interest, and should not result in an additional burden to any other party, including the Fund Administrator, the Commission, and other stations seeking reimbursement for eligible transition-related costs.

* * * * *

EXHIBIT A

Dielectric Letter and Email Exchange Regarding Supply Chain Delays



August 31, 2022

Kim Savage
Director Marketing & Services
Dielectric
Raymond, ME 04071

Dear Kim,

I am writing to provide some context behind the material delays specific to foam dielectric, elliptical waveguide and broadcast air dielectric cables. Covid-19 has created myriad supply chain issues, and this is having an impact from harvesting raw materials (labor), multiple steps of transport, and bottlenecks with the few global manufacturers of copper strip.

In RF copper cables, foam dielectric, air dielectric and elliptical waveguide, all are made from pure copper, which is formed into round or oval-shaped conductors and then corrugated. In all cases, this conductor is formed from a flat copper strip that has to be made to an extremely consistent thickness, and of very high purity. This product is made by few, highly specialized companies.

Multiple aspects of the global supply chain have had an impact on production and lead times. Starting with mining the copper ore from the ground, which has been hampered with labor shortages created by covid which has limited workforce output. Most steps in harvesting and processing occur outside the United States, and each stop along the way has been adversely impacted. While many people have been hearing about container costs rising, container availability has also been a major problem.

We work diligently with Commscope on a daily basis, trying to secure valid lead time and availability information, working the best with the information which is provided to us.

Your Primus primary representative is kept up to speed on all information, and passes along all details on ship dates, availability, etc. to you as soon as he receives this.

Sincerely,

Rob Menees
Vice President, Sales
Primus Electronics Corporation
Morris, IL 60450
(217) 840-1887
rob@primuselectronics.com

From: Cory Edwards <Cory.Edwards@dielectric.com>
Sent: Tuesday, August 30, 2022 6:45 PM
To: johno@qcom1.com
Cc: Kim Savage <Kim.Savage@dielectric.com>
Subject: RE: [EXT] WTZP DELIVERY DELAYS

Kim

Would you be able to get something that explains some of the flex line delay for John? As that is one of the drivers that the antenna was shipping late September.

Thanks

Cory Edwards,

Sales Manager

22 Tower Rd
Raymond, ME 04071
Telephone: 207.655.8131
Cell Phone: 207.312.9527
Cory.Edwards@dielectric.com

EXHIBIT B

*GatesAir Letter Regarding Anticipated Shipment Date and
Supply Chain Delays*



5300 Kings Island Dr
Mason, OH USA 45040
1 800.622.0022
gatesair.com

9/6/22

Charles Jones III
WTZP-LP
PO Box 1223
Portsmouth Ohio 45662

Dear Mr. Jones:

I am writing to inform you that the estimated ship date for your UAX-OP-1400 Transmitter is October 10, 2022. We believe this date to be on-track and accurate but wanted to let you know that there may be delays beyond our control from our suppliers due to world-wide supply chain issues. We will keep you informed as to the actual ship date should it be delayed beyond the October date we originally acknowledged.

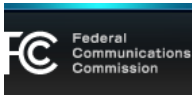
Sincerely,

Paul Barzizza
GatesAir



EXHIBIT C

*LPTV/TV Translator Legal STA Requests Filed After June 30, 2022,
as of September 6, 2022*



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Date Range: From: 07/01/2022 To: 09/06/2022 **Purpose:** Legal STA Request **Service:** Analog TV Translator,Digital Replacement Translator,Digital TV Translator,Low Power Analog TV,Low Power Digital TV

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PDF	File Number	Submit Date	Call Sign	Facility ID	FRN	State	City	Service	Purpose	Status	Status Date	Expiration Date
	0000199227	09/02/2022	W08EE-D	167357	0002017572	WV	MARTINSBURG	Digital TV Translator	Legal STA	Pending	09/02/2022	10/01/2020
	0000199263	09/02/2022	WRCX-LD	69535	0004279584	OH	DAYTON	Low Power Digital TV	Legal STA	Pending	09/02/2022	10/01/2021
	0000199256	09/02/2022	WGOX-LD	130457	0021839162	AL	Mobile	Low Power Digital TV	Legal STA	Pending	09/02/2022	04/02/2029
	0000199241	09/02/2022	W41DK-D	167356	0002017572	WV	KEYSER	Digital TV Translator	Legal STA	Pending	09/02/2022	10/01/2020
	0000199240	09/02/2022	W51EG-D	167359	0002017572	WV	PARKERSBURG	Digital TV Translator	Legal STA	Pending	09/02/2022	10/01/2020
	0000199231	09/02/2022	W30CO-D	167354	0002017572	WV	WHEELING	Digital TV Translator	Legal STA	Pending	09/02/2022	10/01/2020
	0000199230	09/02/2022	W23DR-D	167358	0002017572	WV	ROMNEY	Digital TV Translator	Legal STA	Pending	09/02/2022	10/01/2020
	0000199212	09/02/2022	K42FE-D	40192	0026455469	LA	SHREVEPORT	Low Power Digital TV	Legal STA	Pending	09/02/2022	06/01/2021
	0000199198	09/02/2022	K45KS-D	131138	0026455469	MT	BILLINGS	Low Power Digital TV	Legal STA	Pending	09/02/2022	04/01/2022
	0000199194	09/02/2022	KCTL-LD	28943	0026455469	TX	LIVINGSTON	Low Power Digital TV	Legal STA	Pending	09/02/2022	08/01/2022
	0000199218	09/02/2022	W41DO-D	60554	0030533806	NY	NEW YORK	Low Power Digital TV	Legal STA	Pending	09/02/2022	06/01/2023
	0000199214	09/02/2022	W32DJ-D	71240	0026455469	FL	MELBOURNE	Low Power Digital TV	Legal STA	Pending	09/02/2022	02/01/2021
	0000199208	09/02/2022	W48CL	67010	0026455469	MI	GRAND RAPIDS	Low Power Analog TV	Legal STA	Pending	09/02/2022	10/01/2021
	0000199207	09/02/2022	K38MM-D	130207	0026455469	MN	INTERNATIONAL FALLS	Low Power Digital TV	Legal STA	Pending	09/02/2022	04/01/2022
	0000199201	09/02/2022	K47JC-D	130216	0026455469	MN	WADENA	Low Power Digital TV	Legal STA	Pending	09/02/2022	04/01/2022
	0000199195	09/02/2022	K49LK-D	184723	0026455469	NE	NORTH PLATTE	Low Power Digital TV	Legal STA	Pending	09/02/2022	06/01/2022

PDF	File Number	Submit Date	Call Sign	Facility ID	FRN	State	City	Service	Purpose	Status	Status Date	Expiration Date
	0000199217	09/02/2022	WRJK-LP	68061	0021414032	IL	ARLINGTON HEIGHTS	Low Power Analog TV	Legal STA	Pending	09/02/2022	12/01/2021
	0000199109	09/01/2022	WZDT-LP	25539	0005010053	FL	NAPLES	Low Power Analog TV	Legal STA	Pending	09/01/2022	02/01/2021
	0000199050	08/31/2022	WIVN-LD	131008	0004320057	OH	NEWCOMERSTOWN	Low Power Digital TV	Legal STA	Pending	09/01/2022	08/01/2029
	0000199111	09/01/2022	WHDT-LD	59488	0005010053	MA	BOSTON	Low Power Digital TV	Legal STA	Pending	09/01/2022	04/01/2015
	0000198698	08/30/2022	K22JW-D	181610	0019055854	TX	BAY CITY	Low Power Digital TV	Legal STA	Pending	08/31/2022	08/01/2022
	0000198602	08/29/2022	W25FC-D	166986	0011406899	AL	JASPER	Low Power Digital TV	Legal STA	Pending	08/29/2022	04/02/2029
	0000198477	08/26/2022	KSOY-LD	16230	0022119663	TX	MCALLEN	Low Power Digital TV	Legal STA	Pending	08/29/2022	08/01/2022
	0000198405	08/26/2022	K22GE	125926	0009961889	NM	DULCE	Analog TV Translator	Legal STA	Pending	08/26/2022	10/01/2022
	0000198395	08/25/2022	WVUX-LD	129306	0023594419	WV	FAIRMONT	Low Power Digital TV	Legal STA	Pending	08/25/2022	10/01/2020
	0000198029	08/22/2022	K35OU-D	71623	0006159552	AZ	TUCSON	Low Power Digital TV	Legal STA	Pending	08/22/2022	10/03/2022
	0000198028	08/22/2022	W32EW-D	49408	0006159552	VA	ROANOKE	Low Power Digital TV	Legal STA	Pending	08/22/2022	10/01/2020
	0000198027	08/22/2022	W27EL-D	49185	0006159552	IL	CHAMPAIGN	Low Power Digital TV	Legal STA	Pending	08/22/2022	12/01/2021
	0000198026	08/22/2022	W26EW-D	49407	0006159552	WV	HUNTINGTON	Low Power Digital TV	Legal STA	Pending	08/22/2022	10/01/2020
	0000198025	08/22/2022	K30QB-D	61056	0006159552	LA	SHREVEPORT	Low Power Digital TV	Legal STA	Pending	08/22/2022	06/01/2021
	0000198024	08/22/2022	K30OK-D	61018	0006159552	OK	TULSA	Low Power Digital TV	Legal STA	Pending	08/22/2022	06/01/2022
	0000198023	08/22/2022	K29NM-D	71624	0006159552	WA	SPOKANE	Low Power Digital TV	Legal STA	Pending	08/22/2022	02/01/2023
	0000198022	08/22/2022	W30EE-D	61205	0006159552	FL	JACKSONVILLE	Low Power Digital TV	Legal STA	Pending	08/22/2022	02/01/2021
	0000198021	08/22/2022	K32NM-D	64174	0006159552	IA	DES MOINES	Low Power Digital TV	Legal STA	Pending	08/22/2022	02/01/2022
	0000198020	08/22/2022	W30EG-D	167727	0006159552	TN	KNOXVILLE	Low Power Digital TV	Legal STA	Pending	08/22/2022	08/02/2021

PDF	File Number	Submit Date	Call Sign	Facility ID	FRN	State	City	Service	Purpose	Status	Status Date	Expiration Date
	0000198017	08/22/2022	W32FH-D	61201	0006159552	FL	ST. PETERSBURG	Low Power Digital TV	Legal STA	Pending	08/22/2022	02/01/2021
	0000198016	08/22/2022	K07AAF-D	42342	0006159552	TX	CORSICANA	Low Power Digital TV	Legal STA	Pending	08/22/2022	08/01/2022
	0000197694	08/15/2022	WEFG-LD	167606	0028024982	PA	PHILADELPHIA	Low Power Digital TV	Legal STA	Pending	08/22/2022	08/01/2023
	0000198006	08/22/2022	K15KP-D	49175	0006159552	MO	ST. LOUIS	Low Power Digital TV	Legal STA	Pending	08/22/2022	02/01/2022
	0000198002	08/22/2022	W13DQ-D	61199	0006159552	GA	ATLANTA	Low Power Digital TV	Legal STA	Pending	08/22/2022	04/01/2021
	0000198015	08/22/2022	W33EI-D	61209	0006159552	NC	RALEIGH	Low Power Digital TV	Legal STA	Pending	08/22/2022	12/01/2020
	0000198014	08/22/2022	W26EV-D	49409	0006159552	VA	PORTSMOUTH	Low Power Digital TV	Legal STA	Pending	08/22/2022	10/01/2020
	0000198013	08/22/2022	W18ET-D	61208	0006159552	AL	BIRMINGHAM	Low Power Digital TV	Legal STA	Pending	08/22/2022	04/01/2021
	0000198012	08/22/2022	W17EB-D	49182	0006159552	OH	COLUMBUS	Low Power Digital TV	Legal STA	Pending	08/22/2022	10/01/2021
	0000198011	08/22/2022	K29NL-D	61044	0006159552	KS	WICHITA	Low Power Digital TV	Legal STA	Pending	08/22/2022	06/01/2022
	0000198010	08/22/2022	K20MM-D	61030	0006159552	LA	NEW ORLEANS	Low Power Digital TV	Legal STA	Pending	08/22/2022	06/01/2021
	0000198009	08/22/2022	K15MB-D	49176	0006159552	MO	KANSAS CITY	Low Power Digital TV	Legal STA	Pending	08/22/2022	02/01/2022
	0000194892	07/12/2022	KNIK-LP	21492	0019001536	AK	ANCHORAGE	Low Power Analog TV	Legal STA	Superceded	07/20/2022	02/01/2015
	0000004493	08/26/2015	DK12QV	125257	0013086228	CA	SAN BERNARDINO	Low Power Analog TV	Legal STA	Cancelled	07/08/2022	

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