

**Request for Limited Extension of Deadline to Submit Invoices for Reimbursement
from TV Broadcaster Relocation Fund**

Gray Television Licensee, LLC (“Gray”), licensee of full power television station WHSV-TV, Broadway, VA (Fac ID 4688) (the “Stations”), hereby requests a limited extension of the deadline to submit invoices for reimbursement from the TV Broadcaster Relocation Fund from September 6, 2022 to December 31, 2022. Good cause exists to extend the Station’s reimbursement deadline because Gray has been unable to complete construction of the Station’s post-Incentive Auction Facilities for reasons beyond its control.

On August 31, 2018, Gray submitted an application for a digital replacement translator at Great North Mountain (the “Great North Mountain DRT”) to provide service to Broadway, which lost over-the-air service due to the necessary relocation of WHSV-TV. File No. 54797. On April 16, 2019, Gray filed an application to modify Great North Mountain DRT to specify an alternate directional antenna and associated pattern, which the FCC granted. However, on June 15, 2021, the Commission issued a Notice of Proposed Rulemaking to substitute WVPT-TV’s channel 15 for channel 11 at Staunton, Virginia.¹ As a result, the CP will be displaced and Gray will need to modify its transmitter to operate on Channel 25 instead of Channel 15.

Concurrently herewith, Gray is submitting a request for tolling of the Station’s CP due to delays in obtaining the necessary permits. This is the third extension that has been required for the Broadway site. As explained therein, after navigating delays relating to National Radio Quiet Zone approval and local zoning, Gray finally received its permit on August 11, 2022 and is now working to complete construction as expeditiously as possible. Gray expects that the Station will be able to commence service in late November or early December, barring any significant weather-related delays.

Because Gray, due to circumstances beyond its control, has not been able to complete its repack related work and finalize its invoices for submission, the FCC should shift the Stations’ reimbursement deadlines. In their June 8, 2022 Public Notice, the Task Force and the Bureau indicated that they will consider “a limited extension” of a station’s reimbursement deadline where an entity faces circumstances beyond its control.² Whereas the Commission previously would shift the entity seeking an extension to another deadline, because this is the last deadline the Public Notice indicated that the Task Force and the Bureau will consider whether the extension will “provide the staff with sufficient processing time to complete close-out procedures for all stations.”

Here, as explained above, the delay is wholly outside Gray’s control. Gray had identified a facility on Channel 15, but that will be displaced by the pending Petition for Rulemaking filed by WVPT. Accordingly, Gray needed to identify a new channel and obtain the necessary permits from Shenandoah County, which were just issued on August 11, 2022. Gray will submit its invoices and close out the Form 399 for the Stations as soon as possible, and hopefully well before the end of the year.

¹ See *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Staunton, Virginia)*, Notice of Proposed Rulemaking, MB Dkt. No. 21-248, RM-11910, DA-21-694 (MB Jun. 15, 2021).

² See *Incentive Auction Task Force and Media Bureau Remind Reimbursement Program Participants That the Third and Final Filing Deadline Approaches in 90 Days*, MB Dkt. No. 16-306, GN Dkt. No. 12-268, DA 22-619 (rel. June 8, 2022).

Applying the September 6, 2022 invoice submission deadline to the Station under these circumstances is not in the public interest. Given the harm to Gray of enforcing a deadline that does not account for the Station's circumstances, it would be unreasonable and inconsistent with Congress's charge for the FCC to reimburse costs "reasonably incurred" in the repack³ to require Gray to submit all invoices for the Stations before September 6, 2022. Because Gray has submitted all other expenses for the Station, the requested extension should not result in any significant disruption to the Commission's ability to complete the reimbursement process.

³ See Middle Class Tax Relief and Job Creation Act of 2012, Pub. Law 112-96, § 6403(b)(4).