

**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, Harrisonburg, VA (Fac ID 4688) and the permittee of digital replacement translator station WHSV-TV, Broadway, VA (Fac ID 4688) (the “Station”), hereby requests a limited extension of the deadline to submit invoices for reimbursement from the TV Broadcaster Relocation Fund from September 6, 2022 to January 17, 2023. 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.<sup>1</sup> The FCC subsequently adopted the proposed reallocation, which became effective on September 19, 2022.<sup>2</sup> As a result, the CP has been displaced.

Concurrently herewith, Gray is submitting a request for tolling of the Station’s CP due to the need to change channels late in the process and 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 building permit on August 11, 2022 and is now working to complete construction as expeditiously as possible. Gray has commenced site clearing, which is a prerequisite for setting the rebar and electrical, pouring concrete for the tower base, generator pad, and building, staking the tower, installing the antenna and microwave dishes, building generator and electrical service, installing the transmitter and microwave radios, testing, and proofing. Gray expects that the Station will be able to commence service in early- to mid- 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 extend the Station’s reimbursement deadline. 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.<sup>3</sup> 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

---

<sup>1</sup> 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).

<sup>2</sup> *Television Broadcasting Services Staunton, Virginia*, Final Rule, 87 FR 57148 (Sept. 19, 2022).

<sup>3</sup> 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).

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 that was since displaced by the WVPT-TV reallocation. 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 Station as soon as possible, and hopefully well before the end of the year.

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 repack<sup>4</sup> 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, which is relatively short in nature, should not result in any significant disruption to the Commission’s ability to complete the reimbursement process.

---

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