



Federal Communications Commission
Washington, D.C. 20554

May 3, 2023

VPM Media Corporation
Mark Spiller
23 Sesame Street
Richmond, VA 23235
mspiller@vpm.org
(via electronic mail)

Re: Request for Invoice Deadline Extension
WVPT(TV), Staunton, VA
Facility ID No. 60111
LMS File No. 0000214336

Dear Licensee,

On May 1, 2023, VPM Media Corporation (VPM or Licensee), licensee of WVPT(TV), Staunton, Virginia (WVPT or Station), filed the above captioned request (Request) to extend the Station's prior invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimbursement Fund or Fund) of April 30, 2023, to a new deadline of May 31, 2023. For the reasons below, we grant Licensee's Request and extend the date of the Station's invoice filing deadline to May 31, 2023.

We caution VPM that we do not anticipate granting any additional extension and remind the Station that it must complete the Reimbursement Fund close-out process prior to July 3, 2023, when unobligated funds will be rescinded to the U.S. Treasury and no longer available for reimbursement. To facilitate VPM's timely close-out, WVPT should therefore prepare to swiftly initiate close-out procedures, process all close-out instructions received from Fund Administrator expeditiously, and, when it submits invoices for reimbursement on or after the date of this letter, also submit proof for each invoice that it has paid that vendor. This will expedite the ultimate close-out process.

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.¹ We stated that we did not anticipate a need to grant extensions because the deadline was 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. We noted, however, that if an entity faced circumstances beyond its control we could consider a limited extension by means of shifting an entity with the second invoice filing assignment deadline to the third and final invoice filing assignment deadline on September 6, 2022.² An entity requesting such a shift was required to 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.³ We further stated that we

¹ 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 repack invoices of October 8, 2021; March 22, 2022; and September 6, 2022).

² See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.

³ *Id.*

would not grant extensions that do not provide the staff with sufficient processing time to complete close-out procedures for all stations.⁴

Station WVPT requested – and received – extensions of both the March 2022 and September 2022 invoice filing assignment deadlines to the Station’s current deadline of April 30, 2023.⁵ The Station transitioned to its post-auction channel, channel 12, using interim facilities while it awaited Commission approval to change channels to channel 15 and begin construction of its permanent post-auction channel facilities.⁶ Because the Station operates in the National Radio Quiet Zone, VPM stated it needed to obtain a letter of concurrence from the National Radio Astronomy Observatory, which took more than a year.⁷ After VPM received the concurrence letter, it amended its Petition for Rulemaking to change the table of allotments, and on September 1, 2022, the Commission issued the necessary order approving the channel substitution. VPM then filed an application to modify its construction permit for the channel 15 facilities on September 29, 2022, which the Station subsequently modified.⁸ On January 20, 2023, the Commission granted VPM’s application to construct the channel 15 facility.⁹ VPM, however, states that it could not finalize procurement of the Station’s equipment or commence construction until grant of its construction permit.¹⁰ Licensee states that it has now ordered the required equipment and has submitted invoices for as many expenses as it could but, due to circumstances beyond its control, the Station is awaiting receipt of new transmitters from GatesAir.¹¹ Licensee states it will then install the transmitters, antennas, and related equipment and coordinate the start-up process with the National Radio Quiet Zone.¹² Licensee therefore requests that that Commission extend WVPT’s reimbursement deadline to May 31, 2023.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Station’s invoice filing assignment deadline from the April 30, 2023 invoice filing deadline to May 31, 2023. Licensee has demonstrated that circumstances beyond its control require the extension. We also find that grant of Licensee’s request is not likely to negatively impact the staff’s ability to process the Station’s invoices or its ability to complete close-out procedures for all stations. We therefore conclude that the public interest will be served by grant of the extension.

VPM should diligently pursue submission of all remaining invoices¹³ and any estimates as early as possible without waiting for the May 31, 2023, final invoice filing deadline, **and should submit proof**

⁴ *Id.*

⁵ See Letters from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to VPM Media Corporation, LMS File Nos. 0000199131 (Sept. 16, 2022) and 0000207081 (Feb. 13, 2023).

⁶ See LMS File No. 0000176742. WVPT was repacked from channel 11 to channel 12 and operates channel 12 on a shared basis with WVPY(TV), New Market, Virginia.

⁷ See Request at Attach.

⁸ LMS File No. 0000201196 (modifying LMS File No. 0000055362) (filed Sept. 29, 2022).

⁹ See LMS File No. 0000201196 (Amendment to a Modification of a Licensed Facility for DTS Application) (submitted Dec. 12, 2022), Authorization (granted Jan. 20, 2023).

¹⁰ See Request at Attach.

¹¹ See *id.* at Schedule 1. We note that Licensee reports it has incurred an estimated \$52,000 in project management internal labor costs to date but has, inexplicably, yet to submit these expenses for payment. The Licensee should submit all such expenses now, and not wait until the new deadline.

¹² *Id.*

¹³ See *supra* note 10.

of payment for each invoice that the Station submits on or after the date of this letter. We remind VPM that, pursuant to the Spectrum Act, the Station is eligible for reimbursement of costs “reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other.”¹⁴ Additional expenses incurred, such as expenses resulting from changes in a station’s transition plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund.

We caution VPM that we do not anticipate allowing further extensions of the final May 31, 2023, invoice filing deadline. A station’s failure to complete any remaining construction in a timely manner and to make final submissions by the revised invoice filing 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, 2023.¹⁵

In consideration of the above facts, VPM Media Corporation’s request for extension of its invoice filing deadline **IS GRANTED**. The invoice filing deadline for WVPT, Staunton, Virginia, **IS MODIFIED TO May 31, 2023**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Ari Meltzer, Esq.

¹⁴ 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.”).

¹⁵ *See Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.