

Request for Extension of Invoice Submission Deadline

Window to the World Communications, Inc., licensee of noncommercial educational television station WTTW, Chicago, Illinois ("WTTW"), respectfully requests an extension of the deadline to submit invoices and related documentation to the Commission's repack administrator for reimbursement associated with the Station's Post-Incentive Auction repack facilities. As described herein, due to circumstances beyond WTTW's control, WTTW will incur additional costs related to delayed construction for other repacked stations on Willis Tower. Therefore, WTTW requests an extension until August 31, 2023.

Background

WTTW broadcasts from Willis Tower, a 1,450-foot-tall building (excluding its broadcast antennas) in the heart of downtown Chicago, Illinois. The tower is a multi-tenant communications platform from which many full-power television stations, three Class A television stations, and several FM radio stations broadcast. Multiple Willis Tower television stations were reassigned to new channels as part of the repack. Because Willis Tower is in a densely populated area, various City of Chicago zoning and planning departments must grant prior approval for work on the tower. Willis Tower (the tower owner) and its engineering firm are managing and executing all repack planning, permitting, and zoning work, as well as the repack construction work (and accompanied significant safety precautions).

Willis Tower bills each repacked station for its proportional share of the repack work that affects and benefits all of the repacked stations; that is, each repacked station on Willis Tower is responsible for its portion of shared expenses. WTTW completed construction and licensed its post-auction facilities on October 15, 2021. On September 1, 2022, WTTW requested, and was granted, an extension of its invoice submission deadline to provide time to submit invoices for shared expenses related to other repacked stations that had not completed construction.¹

Additional Time is Needed to Submit Invoices

Multiple Willis Tower stations have still not completed their repack work. On March 31, 2023, WLS Television, Inc., Fox Television Stations, LLC, and NBC Telemundo License LLC (the "Commercial Broadcasters") filed requests to toll the expiration of their repack construction permits for the work that still needs to be performed on their repack facilities. The pertinent facts regarding Willis Tower and the remaining work for the Commercial Broadcasters, as set forth in the requests in LMS file numbers 213354, 213352, and 213355, are incorporated herein by reference.

In summary, work for the Commercial Broadcasters includes complicated helicopter lifts of new equipment, tower reinforcement work, subsequent equipment testing, and dismantling of old antennas and support structures. This work has been delayed due to steel shortages, failure to receive permits from the City of Chicago, and unsafe weather conditions, and is not expected to be complete until July 2023, weather permitting. WTTW will incur additional repack expenses related to the Commercial Broadcasters' remaining

¹ See LMS File Number 199117.

work. For example, WTTW will be required to send representatives to Willis Tower during each of the upcoming helicopter lifts to monitor WTTW's facilities during the work. Willis Tower requires broadcast equipment to be shut down during the lifts and WTTW union staff must be on-site to monitor WTTW's equipment and reboot WTTW's systems for on-air transmissions after being shut down. Therefore, WTTW will incur additional reimbursable costs.

Extension of the Invoice Submission Deadline is Warranted

Under these circumstances, extension of the invoice filing deadline is warranted. When establishing the deadlines to submit invoices for reimbursement from the Reimbursement Fund, the Incentive Auction Task Force and Media Bureau understood that there could be circumstances where strict enforcement would be contrary to the public interest. Therefore, the Bureau noted that it would consider extensions where the "circumstances requiring the extension were outside of [a station's] control."² Despite the fact that WTTW completed its own repack facilities in October 2021, WTTW's tower landlord, Willis Tower (and the Commercial Broadcasters) need additional time to complete the repack process for the Commercial Broadcasters and to issue final invoices for shared expenses. WTTW will also incur additional costs as a result of the remaining work being performed for the Commercial Broadcasters. Therefore, WTTW – as a tenant on Willis Tower – has not received (and cannot submit) all of its reimbursable repack invoices due to rare and exceptional circumstances beyond WTTW's control.

Grant of this request would serve the public interest as it would allow WTTW, a nonprofit local community organization engaged in noncommercial educational broadcasting, to be fully reimbursed for all of the costs it has reasonably incurred with the repack (as envisioned by Congress in the language of the statute). No entity would suffer harm as a result of the grant of the requested relief.

Conclusion

WTTW respectfully requests that the Commission extend the repack reimbursement invoice submission deadline to August 31, 2023 for the Station's Post-Incentive Auction facility. As set forth above, WTTW needs additional time to submit invoices for its own additional costs, as well as for any final shared expenses for invoices that it has not yet received from its tower landlord, Willis Tower, that relate to the Commercial Broadcaster's ongoing repack work.

² Invoice Filing Deadlines for TV Broadcaster Relocation Fund, Public Notice, 35 FCC Rcd 11273 at para. 13 (rel. Oct. 7, 2020).