

Request for Extension of Repack Reimbursement Invoice Deadline

Waiver and further extension of the Commission's deadline to submit repack invoices and reimbursement requests for low power television ("LPTV") station WFGD-LD, Philadelphia, Pennsylvania (FCC Facility ID No. 167606, "WFGD") is respectfully requested by Philadelphia Television Network, Inc. ("PTNI"), the current licensee of WFGD, due to unusual circumstances beyond the control of the licensee related to protracted litigation and administrative review of a former temporary receiver's control of WFGD during the repack transition period, which only has been recently resolved.

Specifically, and as set forth in more detail in a previous waiver and extension request granted for WFGD, see LMS File No. 0000197694 (the "First Extension", which expired January 6, 2023), which was filed by a former court-appointed temporary receiver of the WFGD license, Joseph Bernstein of Spina & Company ("Bernstein"), control of the FCC license for WFGD had been disputed continuously for about five years, in two proceedings pending before the Commission since 2018, as well as previously before courts in both Pennsylvania and California, which ultimately were recently resolved, in PTNI's favor, and the FCC license for WFGD restored to PTNI.

Briefly, while Bernstein was appointed as a temporary receiver by a Philadelphia court, and the WFGD license was involuntarily assigned from PTNI to Bernstein based on that court order, in November 2018, PTNI timely petitioned for reconsideration of that assignment, while also successfully challenging the appointment of the receiver, with the Philadelphia court vacating its order and removing Bernstein as temporary receiver in October 2019, with the Commission advised at that time of Bernstein's removal as receiver. Unfortunately, the Commission did not act on the petition for reconsideration (or a subsequent application to involuntarily assign the WFGD license back to PTNI, requested by the Commission staff in 2019) until September 2023,¹ about four years later, leaving Bernstein nominally as the FCC licensee of the station, but lacking any legal authority to take action related to the station (such as construction of WFGD's authorized digital Channel 21 repack facilities,² or to submit repack invoices or reimbursement requests, or otherwise).

Based on these unusual circumstances, in August 2021, the Commission granted tolling of the Permit, for 660 days after resolution by final order of the state court cases (which already were resolved prior to the tolling grant) and the two pending administrative proceedings, which were resolved by the Decision Letter. See *infra* at n.1. The Decision Letter actions became final on

¹ See Letter from Barbara A. Kreisman dated September 21, 2023, FCC CDBS File Nos. BALDTL-20181120AAT and BAL-20191101AAM (copy attached hereto, the "Decision Letter").

² See LMS File No. 0000062985 (as amended or modified to date, the "Permit").

November 6, 2023;³ applying the 660 days of tolling granted from that date, the expiration date for the Permit should be August 27, 2025.

Having finally regained its license for WEEG after this five year ordeal, PTNI now must still build out its digital Channel 21 repack facilities authorized by the Permit. While Bernstein filed a Form 399 with cost estimates, and \$389,289 has been allocated for reimbursement of WEEG's repack costs, and invoices for most of the work have been submitted, no invoices have yet to be approved or reimbursement funds released, to allow for the purchase of the repack equipment and services. PTNI has been working closely with the Commission's repack reimbursement team on Form 399 (including invoice submissions) and Form 1876 issues since the WEEG license was returned to PTNI, and during those discussions that staff advised PTNI informally to file this waiver and extension request.

As a result, PTNI respectfully requests that an extension of the invoice submission and repack reimbursement deadlines be granted, to permit PTNI an opportunity to submit and be reimbursed for invoices, pay vendors for equipment and services, and complete construction under the Permit. Specifically, PTNI requests an extension of six months from the grant of this waiver and extension request (so until a date likely in July or August, 2024), or such other time as the Commission may be willing and able to grant (ideally, up to the August 27, 2025 expiration date of the Permit, after the granted tolling is applied).

Regarding the scope of work remaining, basically all repack-related work (beyond submission of the bulk of the invoices) remains to be done for WEEG: some additional Form 399 reimbursement request(s) with invoices, all necessary equipment still needs to be ordered and contractors scheduled once the reimbursement funds are received by PTNI, once delivered the equipment for the authorized repack Channel 21 facilities for WEEG need to be installed and tested, then begin program test authority operation, and a license to cover application must be filed. Attached is a spreadsheet summarizing each of the items or steps that need to be ordered or arranged, with time frames for ordering, receiving, and installing the various items of equipment, with estimated completion dates showing that the process can be completed within the minimum of six month extension period requested.

PTNI submits that the lengthy delay in restoring PTNI as the licensee of WEEG, after Bernstein was removed as the temporary receiver in October 2019, warrants the requested extension of the repack reimbursement invoice filing deadline for WEEG requested herein (or such other relief as the Commission may be willing and able to grant).

³ Commission public notice of the actions taken by the Decision Letter was published on September 25, 2023. See Public Notice, *Broadcast Actions*, Report No. PN-2-230925-01 at 2 (released September 25, 2023). Since no petition for reconsideration was timely filed, nor did the Commission reconsider the action on its own motion, the grant became a final order on November 6, 2023. See 47 C.F.R. §§ 1.106-1.117.

WEFG-LD

ADDITIONAL DETAIL: FORM 399 INVOICE AND REIMBURSEMENT REQUEST EXTENSION REQUEST

Description	Vendor	Order Lead Time	Installation Lead Time	Estimated Completion Date
		From Receiving Extension	from Receiving Extension	from Receiving Extension
If Reimbursements Made, Extension Granted by 1/31/24:	FCC	NA	NA	1/31/2024
Primary Transmitter 1800-FA-U	Anywave Comm. Tech	60 Days	60 Days	5/30/2024
Transmitter Shipping fee	Anywave Comm. Tech	NA	NA	
Site Prep	BA Radio/Pro Serv	20 Days	20 Days	3/15/2024
Transmitter Taxes	Anywave Comm. Tech	NA		
Transmitter Building Site Survey/Installation	BA Radio/Pro Serv	10 Days	10 Days	2/20/2024
UHF - Air Cooled Solid State Transmitter 1 - 2.5 kW	Anywave Comm. Tech	60 Days	20 Days	5/30/2024
Transmitter Decommissioning	BA Radio/ProServ	5 Days from New Transmitter On	NA	5/30/2024
Primary Antenna SWLP8EC				
Antenna Sales Tax	Anywave Comm. Tech	NA	NA	NA
Antenna Shipping fee	Anywave Comm. Tech	NA	NA	NA
Side Mount antenna brackets	Land Mobile, Inc	30 Days	10 Days	4/15/2024
Elbow complex, single channel, 7/8" input (if needed)	NA	NA	NA	NA
Sweep test of transmission line and antenna	Land Mobile/Pro Serv	NA	NA	4/15/2024
UHF-Low Power, Side Mount, Slotted Coaxial, 15.0kW input,	Anywave Comm. Tech	45 Days	10 Days	4/15/2024
Components				
Transmission Line	Anywave/Land Mobile	45 days	10 Days	4/15/2024
Transmission line taxes	Anywave/Land Mobile	45 days	10 Days	4/15/2024
Parts, pieces, connectors	Anywave/Land Mobile	45 days	10 Days	4/15/2024
Transmission line shipping	Anywave/Land Mobile	45 days	10 Days	4/15/2024
Flexible Foam Transmission Line - dielectric 1 5/8"	Anywave/Land Mobile	45 days	10 Days	4/15/2024
Tower and Rigging				
Primary Tower:	Land Mobile	45 Days	10 Days	4/15/2024
Tower Rigging Short Tower (less than 500')	Land Mobile	45 Days	10 Days	4/15/2024
Tower mapping and report for structural engineer	Land Mobile/BA Radio	45 Days	10 Days	4/15/2024
Outside Professional Services				
Other Legal Services	Timmons/Henkin	NA	NA	5/30/2024
Additional Field Engineering Service	ProServ	NA	NA	5/30/2024
RF Exposure Measurements	ProServ	NA	NA	5/30/2024
Comprehensive coverage verification via field study if needed	ProServ	10 Days	5 Days	5/30/2024
Attorney Fees - Prepare and File request for STA	Timmons/Henkin	NA	NA	4/20/2024
Attorney Fees - Negotiation of lease/other matters	Timmons/Henkin	NA	NA	4/20/2024
Attorney Fees -Prepare and File FCC	Timmons	NA	NA	4/20/2024
Form 2100 (main), License to Cover Application	Timmons	NA	NA	5/30/2024
Attorney Fees - Prepare and File FCC Form 2100 (main),	Timmons	NA	NA	5/30/2024
Prepare engineering section of FCC	Timmons	NA	NA	4/20/2024
Form 2100 (main), License to Cover Application	Timmons	NA	NA	5/30/2024
Prepare engineering section of FCC Form 2100	Timmons	NA	NA	5/30/2024
Main Construction Permit Application	RL Media	Completed	Completed	Completed
Prepare Request for Special Temporary Authorization	Timmons	Completed	Completed	Completed
Perform engineering study for displacement app.	RL Media	Completed	Completed	Completed
Form 399 assistance or other Program Mgmt Costs	Digital Signal/Timmons	45 Days	NA	3/17/2024
Prepare/ Review 399 reimbursement form	Digital Signal/Timmons	45 Days	NA	3/17/2024
Project management of the transition	Digital Signal/SP	NA	NA	5/30/2024
Equipment Storage	Land Mobile/Digital Sig	NA	NA	5/30/2024
Equipment Delivery and Handling Charges	Land Mobile/Digital Sig	60 Days	NA	3/31/2024
Disposal Costs (for equipment and other waste, net of any salvage)	Land Mobile/Digital Sig	NA	NA	5/30/2024
FCC Filing Fees - Special Temporary Authorization request	Timmons	NA	NA	3/31/2024
FCC Filing Fees - Form 2100 Major change CP application	Timmons	NA	NA	3/31/2024
FCC Filing Fees - Form 2100 license to cover application	Timmons	NA	NA	5/30/2024
FCC Filing Fees - Form 2100 minor change CP application	Timmons	NA	NA	2/20/2024