



Federal Communications Commission
Washington, D.C. 20554

January 16, 2024

Eugene L. Cliett, Chairman, CEO and President
Philadelphia Television Network, Inc.
2 Johns Lane
Lafayette Hill, PA 19444
elcliett@phillytvnews.com
(via electronic mail)

Re: Request for Invoice Deadline Extension
WEFG-LD, Philadelphia, PA
Facility ID No. 167606
LMS File No. 0000234810

Dear Licensee,

On January 4, 2024, Philadelphia Television Network, Inc. (PTNI or Licensee), licensee of WEFG-LD, Philadelphia, Pennsylvania (WEFG or Station), filed the above captioned request (Request)¹ for extension of the FCC's invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimbursement Fund or Fund) from the Station's final invoice filing deadline of January 6, 2023, to a new invoice filing deadline of six months from the grant date of this extension request or such other time as the Commission may be willing and able to grant, up to the August 27, 2025 expiration date of the Station's construction permit.² For the reasons below, we grant Licensee's Request and extend the date of the Station's invoice filing deadline to July 1, 2024.

Background. Pursuant to Commission direction, the Incentive Auction Task Force and Media Bureau set deadlines for final invoice submission to the Fund using a phased assignment approach.³ We stated that we did not anticipate a need to grant extensions because the first deadline was more than a year after the July 13, 2020, statutory end of the transition period. We noted, however, that if an entity faced circumstances beyond its control we could consider a limited extension by means of shifting that entity's assigned deadline to a subsequent filing assignment deadline.⁴ An entity requesting such a shift was required to provide evidence that circumstances requiring the extension were outside of its control.⁵ We further stated we would not grant extensions that do not provide the staff with sufficient processing time to complete close-out procedures for all stations.⁶ On August 4, 2022, we issued a final reminder to Fund entities that any outstanding invoices must be filed by the third and final September 6, 2022 deadline, and that we did not anticipate further extensions, barring limited extensions requested by entities that are able

¹ LMS File No. 0000234810, Attach.

² *Id.* at Attach.

³ 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 all remaining repack invoices: October 8, 2021; March 22, 2022; and September 6, 2022).

⁴ See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13. The last deadline was September 6, 2022.

⁵ *Id.*

⁶ *Id.*

to provide evidence that circumstances outside of their control, such as local zoning or a force majeure event occurring proximate to the final submission, would necessitate a limited extension.⁷

Station WEEG requested and received an extension of the final September 2022 invoice filing deadline to January 6, 2023.⁸ As described in Licensee's current Request, extensive litigation over the lawful ownership of the Station was resolved in its favor and became final on November 6, 2023, and consistent with the 660 days of tolling granted from that date, mean the Station's construction permit expiration date has been extended to August 27, 2025.⁹ Licensee notes that it is now able to build out its digital Channel 21 displaced facilities, and adds that although the prior receiver, Joseph Bernstein, filed estimates, and \$389,289 has been allocated for reimbursement of WEEG's repack costs, WEEG has not yet received payments for invoices it has submitted for the purchase of repack equipment and services.¹⁰ Specifically, PTNI states that virtually all repack-related work (beyond submission of the bulk of the invoices) remains to be done for WEEG.¹¹ Licensee also states it may need to file additional Form 399 requests because it must order all necessary equipment and schedule contractors upon receipt of reimbursement funds and, once the equipment is delivered, WEEG will need to install and test it before WEEG can begin program test authority operation and file its license to cover application.¹² Licensee states that it could not perform this work due to the lengthy delay in restoring PTNI as the licensee of WEEG.¹³ Therefore, PTNI states it has not received (and thus cannot submit) all of its reimbursable repack invoices due to circumstances beyond its control and thus requests an extension sixth months from grant of its Request, if not longer.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Station's invoice filing deadline of January 6, 2023, to July 1, 2024. Licensee has demonstrated that circumstances beyond its control require the extension. We also find that grant of Licensee's request to July 1, 2024, 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. We remind Licensee that, pursuant to the Spectrum Act, the Station is eligible for reimbursement for 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.

⁷ *TV Broadcaster Relocation Fund Third and Final Invoice Filing Deadline Approaches In Thirty Days*, Public Notice, DA 22-817, n.5 (MB/IATF Aug. 4, 2022).

⁸ See Letter from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to Joseph Bernstein, former receiver/named licensee of WEEG, (Sept. 16, 2022 (revised)) (on file in LMS File No. 0000197694).

⁹ See Request, Attach. at 1, 2.

¹⁰ Request, Attach. at 1-2.

¹¹ *Id.* at 2.

¹² *Id.* at 2 and attachment detailing projected work and deadlines.

¹³ See *id.* at 1, 2.

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.").

A station's failure to timely submit any pending invoices by the filing deadline, could preclude that station from receiving full reimbursement.

In consideration of the above facts, Philadelphia Television Network, Inc.'s request for extension of its invoice filing deadline **IS GRANTED**. The invoice filing deadline for WEPG-LD, Philadelphia, Pennsylvania, **IS MODIFIED TO July 1, 2024**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Jeffrey L. Timmons, Esq., at jeff@timmonspc.com