



Federal Communications Commission
Washington, D.C. 20554

February 6, 2024

Fox Television Stations, LLC
Ann Bobeck
101 Constitution Ave., NW
Suite 200 West
Washington, DC 20001
ann.bobek@fox.com
(via electronic mail)

Re: Request for Invoice Deadline Extension
WFLD(TV), Chicago, IL
Facility ID No. 22211
LMS File No. 0000237776

WLS Television, Inc.
Grace Kavadoy
77 West 66th Street, 16th Floor
New York, NY 10023
Grace.Kavadoy@disney.com
(via electronic mail)

Re: Request for Invoice Deadline Extension
WLS-TV, Chicago, IL
Facility ID No. 73226
LMS File No. 0000237726

NBC Telemundo License LLC
Angela Ball
300 New Jersey Avenue, NW
Suite 700
Washington, DC 20001
angela.ball@nbcuni.com
(via electronic mail)

Re: Request for Invoice Deadline Extension
WMAQ-TV, Chicago, IL
Facility ID No. 47905
LMS File No. 0000237720

Dear Licensees,

On January 30 and 31, 2024, NBC Telemundo License LLC, licensee of WMAQ-TV, Chicago, Illinois (WMAQ); WLS Television, Inc., licensee of WLS-TV, Chicago, Illinois (WLS); and Fox Television Stations, LLC, licensee of WFLD(TV), Chicago, Illinois (WFLD); (collectively Willis Broadcasters or Broadcasters), filed the above-captioned requests¹ to extend the Broadcasters' final invoice filing deadline for the TV Broadcaster Relocation Fund (the Fund) from February 29, 2024, to August 29, 2024. For the reasons discussed below, we grant the Willis Broadcasters' Requests and extend the date of the Broadcasters' invoice filing deadlines to August 29, 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.² 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

¹ See, e.g., LMS File No. 0000237720 and Attach. (Willis Stations – Sixth Reimbursement Invoice Submission Extension Request) (Requests). Fox refiled its request on January 31, 2024.

² 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).

assigned deadline to a subsequent filing assignment deadline.³ An entity requesting such a shift was required to provide evidence that circumstances requiring the extension were outside of its control.⁴ 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.⁵ 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 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.⁶

The Willis Broadcasters requested and received extensions of the March and September 2022 invoice filing assignment deadlines to January 17, 2023, which subsequently was further extended to April 17, 2023.⁷ The Broadcasters requested a fourth extension to August 31, 2023, which we granted.⁸ The Broadcasters requested a fifth extension to February 29, 2024, which we granted.⁹ Station WLS is now operating on permanent facilities but will have additional expenses associated with repack-related decommissioning work,¹⁰ and the other Stations have transitioned to and are operating on their post-auction channels from either interim or auxiliary facilities but they state they will continue to incur repack expenses after the February 29, 2024, deadline primarily because of a protracted peer review process that took months longer than expected and resulted in multiple helicopter-lift delays.¹¹

Specifically, the Broadcasters state that the focus now is on installation of the WFDL/WMAQ Main Antenna, which is on hold pending completion of a second required peer review.¹² The Broadcasters state that Willis Tower has advised that helicopter lifts or other aspects of the WFLD/WMAQ Main Antenna installation cannot occur until this second peer review is completed.¹³ The Broadcasters contend that these factors are circumstances beyond their control that warrant an extension of the filing deadline to August 29, 2024.

As noted in prior requests, the Willis Tower (Tower) is a multi-tenant communications platform located in downtown Chicago that supports many stations and must comply with various zoning and

³ See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13. The last deadline was September 6, 2022.

⁴ *Id.*

⁵ *Id.*

⁶ *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).

⁷ See, e.g., Letters from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to WLS Television, Inc., et al., LMS File No. 0000185061 (Mar. 21, 2022); LMS File No. 0000196981 (Aug. 31, 2022); and LMS File No. 0000205966 (Jan. 10, 2023).

⁸ See, e.g., Letter from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to WLS Television, Inc., et al., LMS File No. 0000217250 (July 3, 2023).

⁹ See, e.g., Letter from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to WLS Television, Inc., et al., LMS File No. 0000219497 (Aug. 22, 2023).

¹⁰ Requests, Attach. at 2, 3. See also LMS File No. 0000232100 WLS license to cover (granted Dec. 14, 2023).

¹¹ See Requests, Attach. at 1-3.

¹² *Id.* at 3.

¹³ *Id.*

planning departments within the city.¹⁴ The Tower also must obtain approval from the Alderman's office and the Chicago Police Department for work performed on the Tower site. Given the unique engineering and safety considerations that accompany modification and installation of facilities on a skyscraper located in a densely populated area, all construction work related to the repack is being coordinated, managed, and executed through Willis Tower and its engineering firm.

The Broadcasters' Requests describe the steel shortage and the peer-review process that must analyze the steel structures and antenna installation plans, and which must be completed, before any helicopter lifts can be scheduled.¹⁵ The Broadcasters state that the project has been redesigned various times to overcome global material shortages, and that each redesign requires the creation of a three-dimensional wire frame model of the preliminary design (FEM). The FEM model is then translated into a three-dimensional solid model that represents the true dimensions of the expected final product, which the engineers examine for fit, clearance, accessibility, member capacity, and design limitations, among other things.¹⁶ This process frequently leads to further changes to the FEM.¹⁷ The Broadcasters further state that Willis Tower is now awaiting Hutter Trankina's final validation of the design and to confirm, among other things, that the load paths will not overstress the major plate elements of the design and that stress concentrations will not create fatigue damage due to wind-induced loads at the top of the Tower.¹⁸ The Broadcasters state that upon completion of the current peer review process, the Tower will then need to obtain all necessary permits to schedule the helicopter lifts for the antennas.¹⁹

The Broadcasters note that all of the antennas and other equipment are on-hand and ready to be installed, and that Willis Tower has hired a permitting expert to expedite the necessary zoning and permitting, including permits for the helicopter lifts to install the top plate wedding cake, WMAQ wedding cake, WMAQ antenna, WFLD wedding cake, and WFLD antenna damper. The Broadcasters report that the helicopter lifts, which are weather dependent, are tentatively scheduled for March and April 2024, but caution that these dates can slip if the peer-review process has not been completed by then.²⁰

The Broadcasters anticipate that, based on information available from Willis Tower at this time, all remaining work will be completed by August 29, 2024.²¹ This additional time beyond the current February 29 deadline will allow WFLD and WMAQ to complete their antenna installations and undertake the work needed in preparation for filing license applications to cover the construction permits for their permanent post-auction facilities, and also will allow all three Stations to complete various repack-related

¹⁴ *Id.* at 2.

¹⁵ *Id.* at 3. As noted in the Requests, FCC staff sent a letter on May 18, 2023, to Hutter Trankina, the engineering company conducting the first peer review process, in an effort to help expedite completion of the peer review promptly but safely. *Id.* at 3, n.11 (citing letter from Jean L. Kiddoo, Chair, Incentive Auction Task Force, FCC to John L. Trankina, P.E., President, Hutter Trankina Engineering (May 18, 2023)).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at 4.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* and WT Repack Gantt chart.

decommissioning work on Willis Tower.²² Accordingly, for reasons outside of their control, the Broadcasters request an extension of the invoice filing deadline to August 29, 2024.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Willis Broadcasters' invoice filing deadlines to August 29, 2024. The Willis Broadcasters have demonstrated that circumstances beyond their control require the extensions. We also find that grant of the Requests is not likely to impact negatively staff's ability to process the Broadcasters' invoices or complete close-out procedures for all stations. We therefore conclude that the public interest will be served by granting the extensions. We strongly encourage the Broadcasters to diligently pursue submission of all remaining invoices generated on or after the date of this letter as early as possible without waiting for the August 29, 2024, filing deadline. We remind the Broadcasters that pursuant to the Spectrum Act, stations are eligible for reimbursement for costs "reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other."²³ Additional expenses incurred, such as expenses resulting from changes in a station's transition plan that are unrelated to the post-incentive auction channel change, may not be reimbursable from the Fund.

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, the requests for extension of the invoice filing deadlines of Fox Television Stations, LLC; WLS-TV, Chicago, Illinois; and NBC Telemundo License LLC; **ARE GRANTED**. The invoice filing deadlines for invoices generated on or after the date of this letter for WFLD, Chicago, Illinois; WLS-TV, Chicago, Illinois; and WMAQ-TV, Chicago, Illinois **ARE MODIFIED TO August 29, 2024**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Susan Fox, The Walt Disney Company, at Susan.Fox@disney.com

²² *Id.*

²³ 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.").