



Federal Communications Commission  
Washington, D.C. 20554

August 31, 2017

Nexstar Broadcasting, Inc.  
Elizabeth Ryder  
545 E. John Carpenter Freeway  
Suite 700  
Irving, TX 75062

In Re: WNCN, Goldsboro, NC  
File No. 0000027616  
Fac. Id: 50782

Dear Licensee:

This concerns the above-referenced application for construction permit of Nexstar Broadcasting, Inc. (Nexstar), licensee of WNCN, channel 17, Goldsboro, North Carolina (WNCN). The previous licensee of the station was a winning "band changing" bidder in the broadcast television spectrum incentive auction (Auction 1000) and WNCN was reassigned to channel 8.<sup>1</sup> Band changing stations, like WNCN, were required to file applications for construction permits for their post-auction channel facilities as specified in the *Closing and Channel Reassignment Public Notice* no later than July 12, 2017.<sup>2</sup>

The Video Division has completed its technical review of Nexstar's application and on several occasions, notified Nexstar's technical and legal contact representatives that the application was defective. Based upon our technical review and Nexstar's failure to amend the application, we have concluded that this application cannot be granted, and accordingly must be dismissed.

WNCN was reassigned channel 8 with an ERP of 11.3 kW and HAAT of 611.0 m.<sup>3</sup> Nexstar's application, however, proposes an ERP of 29 kW and HAAT of 607.8 m, and seeks to extend the station's noise-limited contour beyond the baseline plus one percent. While band changing stations, such as WNCN, are not subject to the one percent contour increase restrictions applicable to reassigned stations remaining in the same band, due to antenna variation patterns between UHF and VHF antennas, they are still required to file for the facilities that were assigned to them.<sup>4</sup> In this application, WNCN is attempting

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<sup>1</sup> See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (2017) (*Closing and Channel Reassignment Public Notice*).

<sup>2</sup> *Id.* at 2809, para. 70.

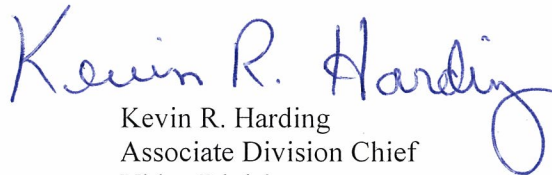
<sup>3</sup> *Id.* at Appendix A.

<sup>4</sup> See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6791-92, paras. 547-550 (2014) (*Incentive Auction R&O*). Due to antenna pattern variations between bands, it is likely that some band changing stations will not be able to obtain an antenna that replicates the coverage area for which the station was assigned. We note that since WNCN utilizes a non-directional antenna, it should not have difficulty replicating its current antenna pattern.

to maximize its facility by more than doubling its assigned ERP, but such applications may not be filed until the Media Bureau opens a second filing window for all reassigned and band changing stations to file for alternate channels or expanded facilities from that for which they were assigned.<sup>5</sup> The Media Bureau has not yet announced when the second window will occur.<sup>6</sup>

Accordingly, the above-referenced application filed by Nexstar Broadcasting, Inc. for a construction permit for the post-auction facilities of WNCN, Goldsboro, North Carolina is found to be defective and is being dismissed pursuant to Section 73.3566(a) of the Commission's Rules.

Sincerely,

  
Kevin R. Harding  
Associate Division Chief  
Video Division  
Media Bureau

cc: Ari Meltzer, Esq.

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<sup>5</sup> *Id.* at 6759, para. 556.

<sup>6</sup> The first priority filing window will close on September 8, 2017. See *Incentive Auction Task Force and Media Bureau Announce the Opening of the First Priority Filing Window for Eligible Full Power and Class A Television Stations from August 9 Through September 8, 2017*, Public Notice, DA 17-724 (rel. July 31, 2017).