

Request for Extension of Channel Sharing CP Application Deadline  
And For  
Extension of Channel Sharing Implementation Deadline

Lehigh Valley Public Telecommunications Corp. (“LVPTC”), the licensee of noncommercial educational television station WLVT-TV, Allentown, Pennsylvania, hereby requests a waiver of the November 24, 2017 deadline to file an application for a construction permit to implement a channel sharing agreement (“CSA”), and a waiver of the January 23, 2018 deadline to discontinue operations on its current channel. LVPTC seeks a 90-day extension of these dates in accordance with the Commission’s established post-auction transition procedures,<sup>1</sup> and as demonstrated below, good cause exists for the grant of these waivers.

LVPTC was a successful bidder in Auction 1001, and will relinquish the spectrum usage rights associated with the channel on which WLVT-TV currently operates. LVPTC is a party to a CSA with Sonshine Family Television, Inc. (“Sonshine,” the licensee of WBPH-TV, Bethlehem, Pennsylvania, which will be the sharer station), and Maranatha Broadcasting Corporation (“Maranatha,” the licensee of WFMZ-TV, Allentown, Pennsylvania (another sharee station)). The parties are currently engaged in planning the implementation of that sharing arrangement, but for the reasons set forth below, LVPTC needs additional time to finalize the details of WLVT-TV’s shared use of the WBPH-TV channel. (We understand that Maranatha is similarly seeking a 90-day extension of the channel sharing application and implementation deadlines.)

Marantha (the other sharee in the CSA arrangement) owns a broadcast tower now used for WFMZ-TV that is in close proximity to that currently leased by Sonshine (the sharer), and consideration is being given to using that tower for shared operations under the CSA, instead of the nearby tower leased by Sonshine. The CSA parties are currently conducting technical assessments to determine the feasibility of shared operations under the CSA from the WFMZ-TV tower site. The use of the WFMZ-TV site could offer substantial public interest benefits. The WFMZ-TV tower is situated at that station’s studio location, which is fully staffed during normal business hours, so the site affords better opportunities to address any issues that may arise with the operations of the shared facilities. Unlike the WBPH-TV site, the WFMZ-TV tower site also has a generator capable of powering full operations for several days when power to the site fails. All of these stations are located in the Lehigh Valley of Pennsylvania, where severe winter weather is common. Both WFMZ-TV and WBPH-TV transmit from a mountain where power fails frequently. In two successive winters, power was out at that site for four days. During those periods, WFMZ-TV has been able to continue to operate (as has WLVT-TV at its current transmitter site, which also has generator power), while WBPH-TV has been off the air. In addition, WFMZ-TV also has back-up antennas, transmitters, and studio sites to maintain operations during emergency conditions. It would take time to replicate these capabilities from shared facilities at the WBPH-TV site. Clearly, the public may be better served if shared operations can feasibly be conducted from a site that can remain in operation during winter weather and other emergency conditions. LVPTC expects that it will be able to file its application for a construction permit to implement shared operation for WLVT-TV by February 22, 2018.

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<sup>1</sup> See *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 879 ¶ 66 (rel. Jan. 27, 2017).

While the plans are being finalized to implement the CSA, potentially at the WFMZ-TV site, LVPTC wishes to assure the continuity of its service to the residents of the Lehigh Valley during the upcoming winter months. The requested 90-day extension will serve the public interest by providing this assurance.

The Commission has made clear that, upon a good cause showing pursuant to section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, it would view waiver requests like this one "most favorably."<sup>2</sup> Based on the foregoing, good cause exists for the requested 90-day waiver of the deadlines for the filing of both a construction permit application to implement the CSA and the discontinuance of WLVT-TV's operations on its pre-auction channel.

Additional information concerning any of these matters can be provided at the request of the Commission.

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<sup>2</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6803 ¶ 578 (2014).