WPWR-TV REQUEST FOR EXTENSION OF CHANNEL SHARING CP APPLICATION AND CHANNEL SHARING IMPLEMENTATION DEADLINES

Fox Television Stations, LLC (“FTS”) the licensee of WPWR-TV (Facility ID No. 48772) Gary, IN (“Station”), hereby requests a waiver of both the November 24, 2017 deadline to file an application for a construction permit to implement a channel sharing agreement (“CSA”)[[1]](#footnote-1) and a waiver of the January 23, 2018 deadline to discontinue operations on its pre-auction channel.[[2]](#footnote-2) FTS requests a 90-day extension of both these dates/deadlines in accordance with the various auction orders[[3]](#footnote-3) and 47 C.F.R § 1.3.

WPWR-TV submitted a successful bid in the incentive auction for the Station to go off air. On its FCC Form 177, the Station indicated an intent to enter into a CSA. The Station will channel share with sister duopoly station WFLD, also licensed to FTS. Section 73.3700(b)(4)(ii) of the Commission’s rules require a license relinquishment station indicating an intent to enter into a post-auction CSA (like WPWR-TV) to terminate operations on its pre-auction channel within six months of the date that the licensee receives its incentive payment. Thus, absent waiver, the Commission’s rules would require WPWR-TV to terminate operations on its pre-auction channel no later than January 23, 2018.

The Commission has made clear that upon good cause shown pursuant to Section 1.3 of its rules, it would view waiver requests like the instant request “most favorably.”[[4]](#footnote-4) Specifically, the Auction Task Force and Media Bureau stated “[t]he Media Bureau will view favorably applications/requests that are otherwise compliant with our rules and have little or no impact on other stations' transition schedule.”[[5]](#footnote-5) WPWR-TV’s current over-the-air channel is channel 51 and T-Mobile has long been operating WQJQ707 on the adjacent 700 MHz A Block spectrum. Allowing the Station three additional months to cease operations on its pre-auction channel and transition to shared operations with WFLD will not affect other stations’ transition schedules nor any wireless mobile operations. In addition, WPWR-TV and WFLD broadcast three multicast channels between them. Once they begin channel some of those multicast channels will be lost due to spectrum constraints. Allowing WPWR-TV to utilize a full 6 MHz channel for an additional three months will allow it to provide its current slate of multicast channels to its viewers. Finally, the Station notes that because it will channel share with its sister station WFLD, no additional outside resources (tower crews, manufactured equipment, etc.) will be needed to implement the 90-day extension of the deadline to discontinue operations and begin channel sharing.

For the reasons discussed above, FTS respectfully submits that a grant of a 90-day extension to file a construction permit application to implement channel sharing and a waiver of the deadline to cease operations on WPWR-TV’s pre-auction channel is in the public interest and will have no impact on other stations’ post-auction transition.

1. 47 C.F.R. §73.3700(b)(1)(vii), (b)(3). [↑](#footnote-ref-1)
2. 47 C.F.R. § 73.3700(b)(4)(ii). [↑](#footnote-ref-2)
3. *See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, para. 578 (2014); *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Second Order on Reconsideration, 30 FCC Rcd 12016, para. 11 (2015); *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 879 paras. 66, 70. (2017). [↑](#footnote-ref-3)
4. *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, 29 FCC Rcd 6567, para. 578. [↑](#footnote-ref-4)
5. *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, 32 FCC Rcd 858, para. 73. [↑](#footnote-ref-5)