

EXHIBIT SUPPORTING WAIVER  
OF PHASE ASSIGNMENT, TESTING PERIOD, AND PHASE COMPLETION DATE

**WJAN-CD, MIAMI, FLORIDA, FACILITY ID 60165**

American-CV Station Group, Inc. seeks waiver of the post-Incentive Auction Transition Phase assignment, and corresponding testing dates and construction completion deadlines, for WJAN-CD, Miami, Florida, Facility ID 60165 (“Station”). Pursuant to the *Closing and Reassignment Public Notice*, Station has been assigned to Transition Phase 2, for which the Phase Completion Date is April 12, 2019.<sup>1</sup> American-CV Station Group, Inc. seeks to transition the Station early, with expected transition completion on or before June 1, 2018, with a testing period to commence immediately preceding said date.

The *Transition Scheduling Adoption Public Notice* permitted stations to propose “alternative transition solutions that could create efficiencies,” and held that a request to modify a station’s transition deadline — including by moving to an earlier phase — would be viewed favorably if the request is “otherwise compliant with [FCC] rules and [has] little or no impact on the phase assignments or transition schedule.”<sup>2</sup> As demonstrated below, American-CV Station Group, Inc.’s instant request qualifies for such favorable treatment.

---

<sup>1</sup> *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 (WTB & MB 2017) (*Closing and Channel Reassignment Public Notice*).

<sup>2</sup> *Incentive Auction Task Force and Media Bureau Adopt A Post-Incentive Auction Transition Scheduling Plan*, MB Docket No. 16-306 and GN Docket No. 12-268, 32 FCC Rcd 890, 913 ¶ 51 (MB 2017) (*Transition Scheduling Adoption Public Notice*), citing *Incentive Auction Task Force and Media Bureau Seek Comment on Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 31 FCC Rcd 10802 (MB 2016) (*Transition Scheduling Proposal Public Notice*).

The FCC may grant a waiver for good cause shown.<sup>3</sup> A waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>4</sup> In considering a waiver, the FCC may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>5</sup> Such a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.<sup>6</sup>

As demonstrated herein, good cause exists for waiver of WJAN-CD's assigned Transition Phase and its attendant testing and completion dates. The requested waiver will serve the public interest by facilitating an orderly and efficient transition to more swiftly deliver new wireless broadband services to the public while minimizing impacts on broadcast television viewers and post-auction transition resources. Specifically, if Station is permitted to complete its transition early, T-Mobile, a winning 600 MHz wireless licensee, will be able to deploy new competitive wireless broadband service to people of Miami, Florida, a full 10 months earlier than scheduled.

Interference. Because the results of the analysis by Kessler and Gehman Associates, Inc., attached hereto, indicate that there are no cases of incoming (received) interference to the WJAN-CD Channel 33 facility or outgoing (caused) interference to any other protected full-power or Class A television stations exceeding 0.5%, no new pairwise (station-to-station)

---

<sup>3</sup> 47 C.F.R. § 1.3.

<sup>4</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>5</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

<sup>6</sup> *Northeast Cellular*, 897 F.2d at 1166.

interference will be created by the proposed early transition of Station. As such, there is no impact on any linked station set or other transitioning stations.

Impacts to Transition Plan. The proposed transition will further the overall transition plan with no ill effects on the demand for or delivery of transition resources. American-CV Station Group, Inc. has contacted its vendors and they have confirmed, by letters attached hereto, that they can accomplish the proposed early transition without any negative impacts to their abilities to satisfy the transition timeframes of other stations.

Impact to Viewers. Under the Transition Plan, there is scheduled to be one (1) rescan of the Station's DMA. Grant of the proposed early transition of Station will result in an increase in the number of rescans. The Commission determined that up to two non-sequential rescans will serve the goals of efficiently clearing DMAs while minimizing viewer disruption.<sup>7</sup> Because the proposed early transition will still be within the cap of two rescans deemed to be in the public interest, grant of the instant waiver is appropriate.

The required public service announcements and crawls to notify the Station audience of the proposed transition and provide detailed instructions on the rescanning process, coupled with the Station's social media outreach, will ensure that viewers will be well-informed of the transition. In addition, American-CV Station Group, Inc. will coordinate with UniMás Miami LLC, licensee of WAMI-DT, Hollywood, FL, to minimize confusion among viewers in the DMA of the intention of both stations to transition ahead of the overall Miami transition phase.

---

<sup>7</sup> *Transition Scheduling Adoption Public Notice*, at ¶ 21.

In sum, grant of this waiver will facilitate a more effective and efficient implementation of the overall policy goals of the Incentive Auction and post-auction transition, and thus is in the public interest.