



Federal Communications Commission
Washington, D.C. 20554

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Unimas Miami LLC
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Re: Request for Modification and
Waiver of Phase Assignment
WAMI-DT, Hollywood, Florida
Facility ID No. 60536
LMS File No. 0000029251

Dear Licensee,

On August 18, 2017, Unimas Miami LLC (Unimas), the licensee of full power television station WAMI-DT, Hollywood, Florida (Station or WAMI-DT), filed a *Request for Modification and Waiver of Phase Assignment*, requesting to modify the post-incentive auction transition phase assigned to the Station in the *Closing and Channel Reassignment Public Notice* from Phase 2, and instead transition on or before June 1, 2018, with a testing period to commence immediately prior.¹ For the reasons below, we grant Unimas' request for waiver and modify WAMI-DT's phase assignment to permit it to commence testing and transition to its post-auction channel on or before June 1, 2018, subject to completion of applicable consumer education requirements and any required notice to multichannel video programming distributors (MVPDs) and coordination of the transition timing with WJAN-CD as described herein.²

Background. Pursuant to the *Transition Scheduling Adoption Public Notice*, individual stations may request waiver and modification of their phase assignment.³ A waiver is appropriate where the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of

¹ 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 (WTB & MB 2017) (*Closing and Channel Reassignment Public Notice*). See LMS File No. 0000029251 (as amended Nov. 6, 2017), Waiver of Phase Assignment, Testing Period, and Phase Completion Date (Waiver Request).

² Repacked stations are required to conduct consumer outreach efforts including providing on-air viewer notifications in the form of public service announcements as well as on-screen crawls at least thirty (30) days prior to transitioning to their post-auction channels. See 47 CFR § 73.3700(c). To the extent applicable, repack stations are also required to provide MVPDs with notice ninety (90) days prior to transitioning. See 47 CFR 73.3700(d). As discussed in greater detail below, Unimas has also committed to additional consumer education efforts beyond those required by the Commission's rules. See Waiver Request at 3.

³ See *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, 912-14, paras. 47-52 (MB 2017) (*Transition Scheduling Adoption Public Notice*).

overall policy on an individual basis.⁴ The Media Bureau (Bureau) has stated it will evaluate such requests on a case-by-case basis to assess the impact on the transition schedule, including the impact on other broadcasters as well as viewers, in order to facilitate a timely and orderly transition.⁵ The Bureau determined that it would view favorably requests that are compliant with the Commission's rules and have little or no impact on the transition schedule.⁶ Requests that the staff determines would be likely to delay or disrupt the transition schedule will be viewed unfavorably.⁷

WAMI-DT is currently licensed to operate on channel 47. It was reassigned to channel 24 in the *Closing and Channel Reassignment Public Notice* and assigned to transition Phase 2, which has a testing period start date of December 1, 2018, and phase completion date of April 12, 2019. WAMI-DT is located in the Miami-Fort Lauderdale, Florida, Designated Market Area (Miami DMA). A total of 10 stations, including WAMI-DT, were repacked in the Miami DMA, and all were assigned in the *Closing and Channel Reassignment Public Notice* to Phase 2. Unimas requests permission to begin testing and commence operation on WAMI-DT's post-auction channel on or before June 1, 2018. Unimas asserts that transitioning to its post-auction channel on or before June 1, 2018, is intended to promote the deployment of new wireless broadband services by enabling T-Mobile, a winning 600 MHz licensee, to deploy its new wireless broadband service in the Miami DMA 10 months earlier than it would be able to under the current transition schedule.⁸ Unimas argues that its proposal will also "permit better utilization of resources by engaging vendors and service providers early in the process, rather than have them overloaded further in the transition."⁹ Unimas has consulted with its numerous vendors and provided letters from its transmitter manufacturer confirming that they will be able to support WAMI-DT's early transition and such a change will not impact their ability to support other stations' transition efforts.¹⁰

Unimas also provides an engineering analysis demonstrating that its early transition will not create any new linked station sets or result in impermissible interference during the transition period.¹¹ Unimas notes that, while WAMI-DT's proposed early transition will create an additional rescan period in the Miami DMA, there is currently only one rescan period for the DMA and adding an additional rescan period would continue to satisfy the two rescan periods per DMA limitation used in the tool adopted by the Bureau in the *Transition Scheduling Adoption Public Notice* to assign stations to transition phases.¹² Unimas agrees if the station's request is granted it will coordinate the timing of its transition such that it transitions in the same time period as Class A television station WJAN-CD, Miami, Florida.¹³ WJAN-CD

⁴ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); 47 CFR § 1.3 (waiver for good cause shown). See also *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 913-14, para. 51 and n.171.

⁵ See *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 912-14, paras. 49-52. See also *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Broadcast Transition*, 32 FCC Rcd 858, 881-82, para 73 (MB 2017).

⁶ *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 912-13, para. 49 and n.163.

⁷ *Id.*

⁸ Waiver Request at 2.

⁹ *Id.*

¹⁰ *Id.* See LMS File No. 0000029251, Confirmation of Production Capacity.

¹¹ Waiver Request at 2, Engineering Statement Supporting Request for Waiver Television Station WAMI-DT.

¹² Waiver Request at 3; see *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 898-99, paras. 20-21.

¹³ Waiver Request at 3.

is licensed to America-CV Station Group, Inc., and has also requested to modify its phase assignment from Phase 2 to a period before Phase 1.¹⁴ Unimas also states that it will conduct consumer education and outreach efforts beyond what is required by Commission rules, including providing information to viewers through social media and airing viewer notifications with rescan instructions both before and after the cutoff date on commonly owned television station WLTV-DT, Miami, Florida.¹⁵

Discussion. Upon review of the facts and circumstances presented, we find Unimas' request to modify its phase assignment to permit WAMI-DT to transition to its post-auction channel on or before June 1, 2018, satisfies the requirements for a waiver. We agree that the change to WAMI-DT's transition phase should not have an adverse impact on the overall transition schedule or a negative impact on other stations or viewers. A staff analysis confirms that the phase change does not create any new linked station sets and will not result in new interference above the two percent permitted during the transition.¹⁶ Prior to this phase change request the transition schedule included only one rescan in the Miami DMA. WAMI-DT has agreed to coordinate its transition with the transition of WJAN-CD in the period before Phase 1. Although viewers in the Miami DMA will be subject to an additional rescan period, the total number of rescan periods will be limited to two as a result of the agreement between the two stations to coordinate their transition. Unimas has also committed to put in place viewer outreach programs beyond those required by the Commission rules to ensure that viewers will be well-informed and can manage the additional rescan period. Unimas has also provided evidence that the resources necessary to support its early transition are available and will not delay other transitioning stations' access to resources. As a result, we find on balance that the benefit of early deployment in the 600 MHz band, the ability to vendors to support the WAMI-DT early transition, additional consumer education and outreach efforts, and coordination with WJAN-CD, outweigh the burden of an additional rescan period in this case.

Accordingly, we **GRANT** Unimas' *Request for Modification and Waiver of Phase Assignment* and modify the transition phase assignment for WAMI-DT **from Phase 2 and permit the Station to commence testing and transition to its post-auction channel on or before June 1, 2018, subject to completion of all applicable consumer education and MVPD notice requirements under the Rules,**¹⁷ **the requirement that WAMI-DT's transition timing be coordinated with WJAN-CD, and consumer education commitments made in WAMI-DT's waiver request.** Furthermore, WAMI-DT must cease operation on its pre-auction channel on or before June 1, 2018, upon commencement of operation pursuant to program test authority, or upon the filing of an application for license to cover, whichever occurs first.

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹⁴ See LMS File No. 000003557. WJAN-CD's phase change request also commits to coordinate the timing of its move with WAMI-DT.

¹⁵ Waiver Request at 3.

¹⁶ See *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 897, para. 16 (allowing temporary increased pairwise (station-to-station) interference of up to two percent during the transition period).

¹⁷ See 47 CFR §§ 73.3700(c), (d).