

## **KWTV POST-AUCTION CONSTRUCTION PERMIT EXTENSION REQUEST**

Griffin Licensing, L.L.C. (“Griffin”), the licensee of KWTV-DT, Oklahoma City, OK (FIN 25382) (“KWTV”) hereby requests, pursuant to Section 73.3700(b)(5) of the Commission’s rules, a single 6-month extension of the main construction permit issued to KWTV on July 26, 2017 (File No. 0000028029), in order to allow Griffin to complete construction of KWTV’s post-auction channel facilities.

The construction permit is currently scheduled to expire on November 30, 2018 (i.e., at the conclusion of Phase 1). As explained in further detail below, although Griffin anticipates being able to complete construction of KWTV’s *auxiliary* construction permit facilities by the end of Phase 1, it will be unable to complete construction of the KWTV *main* facilities until other repacked stations on the tower, which are assigned to Phase 2, are ready to complete their construction on the candelabra configuration at the top of the tower. Thus, for reasons beyond Griffin’s control, KWTV will not be able to complete construction of its main facilities by November 30, 2018, but will be operating on its post-auction channel (channel 25) by the end of Phase 1, and will have ceased operations on its pre-auction channel (channel 39) prior to the end of Phase 1.

Section 73.3700(b)(5) delegates authority to the Media Bureau to grant a single extension of time of up to six months to licensees of reassigned stations to complete construction of their post-auction channel upon demonstration by the licensee that failure to meet the construction deadline is due to circumstances that are either unforeseeable or beyond the licensee’s control.<sup>1</sup> Circumstances that may justify an extension of the construction deadline of a licensee of a reassigned station include, but are not limited to, unusual technical challenges, such as the need to construct a top-mounted antenna or the need to coordinate channel changes with another station.<sup>2</sup> Griffin submits that those facts are present here.

Commission staff acknowledged the particular difficulties that KWTV will encounter as it transitions from channel 39 to channel 25. Specifically, on February 2, 2018, Commission staff granted Griffin’s waiver request and modified KWTV’s phase assignment from Phase 2 to Phase 1.<sup>3</sup> In that letter decision, the Commission implicitly endorsed Griffin’s plan “to replace the side mounted antenna for commonly owned full power television station KSBI(TV), Oklahoma City, Oklahoma (KSBI), with a side mounted broadband antenna that would support both the licensed operations for KSBI and the auxiliary operations for KWTV-DT.”<sup>4</sup>

Consistent with this approach, on or about November 27, 2018, KWTV intends to file a license application to cover its auxiliary construction permit (File No. 0000058526). On the same date, Griffin intends to cease operations on its pre-auction channel (channel 39). As a result, KWTV will have complied with its obligation to terminate pre-auction channel operations and commence operations on its post-auction channel, albeit with the use of auxiliary facilities.

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<sup>1</sup> 47 C.F.R. § 73.3700(b)(5).

<sup>2</sup> *Id.* § 73.3700(b)(5)(ii)(D).

<sup>3</sup> A copy of the letter decision is attached separately to this extension request.

<sup>4</sup> *Id.* at 2 (footnote omitted).

Once KWTV and the other stations on the candelabra configuration are able to complete construction during Phase 2, Griffin intends to file a license application to cover the KWTV main construction permit, thus completing KWTV's transition to post-auction operations on channel 25.

**A Waiver of Section 73.3700(b)(5)(iv) Would Serve the Public Interest**

In the interest of ensuring a smooth transition of repacked stations, Griffin respectfully requests a waiver of the 90-day deadline set forth in Section 73.3700(b)(5)(iv). Griffin submits that a waiver in this instance will help ensure that KWTV switches to its post-auction channel in a timely manner using its auxiliary facilities, while ensuring that KWTV can successfully complete the build-out of its main facilities when other stations at the top of the tower complete their build-out in Phase 2. Griffin reasonably anticipates that it will be in a position to file a license application to cover its main construction permit once all construction at the top of the tower has been completed in Phase 2.