



Federal Communications Commission
Washington, D.C. 20554

January 24, 2019

Georgia Public Telecommunications Commission
Elizabeth Laprade
260 14th Street NW
Atlanta, GA 30318

Re: Request for Extension of
Construction Permit and Special
Temporary Authority
WJSP-TV, Columbus, GA
Facility ID No. 23918
LMS File No. 0000065445

Dear Licensee,

On January 8, 2019, Georgia Public Telecommunications Commission (GPTC), the licensee of Station WJSP-TV, Columbus, Georgia (WJSP-TV or Station), filed the above captioned request for waiver to extend the Station's construction permit expiration date and special temporary authority (STA) to continue operating at reduced power on its pre-auction channel until the end of Phase 2. For the reasons below, we grant GPTC's request and extend WJSP-TV's construction permit expiration date to April 12, 2019.

Background. WJSP-TV is a PBS member station and part of a state broadcast network that provides PBS programming to communities throughout Georgia and portions of surrounding states. The Station is currently licensed to operate on channel 23. GPTC was a winning band changing bidder in the incentive auction and agreed to move from UHF to Low-VHF. It was reassigned to channel 5 in the *Closing and Channel Reassignment Public Notice* and assigned to transition Phase 1.¹ On November 30, 2018, WJSP-TV was granted a change in transition phase from Phase 1 to Phase 2.² The phase change was granted primarily on the basis that while GPTC had been working diligently to complete construction of its post-auction facilities by the November 30, 2018, Phase 1 completion date, poor weather conditions hampered the Station's construction efforts. At that time, GPTC requested a limited extension of its construction permit expiration date and ability to operate on its pre-auction channel until January 11, 2019. Because WJSP-TV is part of a linked-station set with WXTX(TV), Columbus, Georgia (WXTX) and because the changes would otherwise result in increased pairwise interference beyond the two percent temporarily permitted during the transition period, WJSP-TV was granted special temporary authority (STA) to operate at reduced power.³ Both WJSP-TV's STA and construction permit were assigned an expiration date of January 11, 2019. GPTC now states that due to continued poor weather conditions and

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*).

² See Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau to Georgia Public Telecommunications Commission (Nov. 30, 2018) available at LMS File No. 00000 0000063793.

³ 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). See LMS File No. 0000063793.

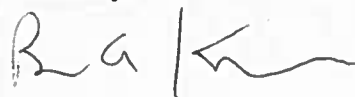
the unavailability of its tower crew the necessary structural work on the Station's 1,100 foot tower has still not been completed. GPTC requests an extension of its construction permit and STA to continue operating on its pre-auction channel until April 12, 2019, the phase completion date for Phase 2.

Discussion. A waiver of 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 overall policy on an individual basis.⁴ Upon review of the facts and circumstances presented, we find GPTC's request to extend the Station's construction permit expiration date and authority to operate, at reduced power, is warranted and meets the Commission's waiver standard. The instant extension will not subject viewers in the Columbus, GA DMA to an additional rescan period beyond what already resulted from the extension provided on November 30, 2018. GPTC must continue to operate on its pre-auction channel at reduced power in order to prevent interference to WXTX above the temporary two percent increase in pairwise interference permitted during the transition.⁵ Accordingly, we find the public interest benefits of providing WJSP-TV a limited extension of its STA and construction permit expiration date outweigh any impact that may be caused by the Station continuing to operate at reduced power on its pre-auction channel.

We again caution GPTC that any additional expenses incurred as a result of the grant of WJSP-TV's voluntary phase change and the instant extension of its STA and construction permit expiration date may not be reimbursable from the TV Broadcasters Relocation Fund. Such additional costs might include, but may not be limited to, additional legal or engineering expenses; filing fees; and interim or additional equipment that was not contemplated when the station filed its initial estimated expenses but was subsequently necessitated to complete the transition to its post-auction channel due to its phase change.

The above facts considered, GPTC's application for extension of its STA (LMS File No. 0000063793) **IS GRANTED**. Furthermore, GPTC's request to extend the construction permit of WSJP-TV, Columbus, GA **IS GRANTED AND EXTENDED to April 12, 2019** (LMS File No. 0000029683).

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

Cc (via electronic mail):
Derek Teslik, Esq.

⁴ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972); 47 CFR § 1.3 (waiver for good cause shown).

⁵ See *id.* at 897, para. 16.