

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

Connecticut Public Broadcasting, Inc. (“CPBI”) seeks waiver of the Post-Incentive Auction Transition Phase assignment, and corresponding testing dates and construction completion deadlines, for WEDH, Hartford, CT (Facility ID 13602) (“Station”). Pursuant to the *Closing and Reassignment Public Notice*, Station has been assigned to Transition Phase 7, for which the Phase Completion Date is January 17, 2020.<sup>1</sup> CPBI seeks to transition the Station early, with expected transition completion on or before August 2, 2019, 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, CPBI’s instant request qualifies for such favorable treatment.

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<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 the assigned Transition Phase and its attendant testing and completion dates because it 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. Additionally, the early transition will permit coordination and make more efficient the repack activities for WEDH, which is collocated with 3 commercial broadcasters, resulting in reduced costs to the federal government. This will also minimize consumers' need to rescan .

Interference. Attached hereto is an "Engineering Statement Supporting Request for Waiver Television Station WEDH," prepared by du Treil, Lundin & Rackley, Inc ("Engineering Statement"). As demonstrated in the Engineering Statement, because the analysis shows no cases of incoming (created) or outgoing (received) interference exceeding the normal 0.5%

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<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.

rounding tolerance level to any other protected full-power or Class A television stations now operating, no new incoming pairwise (station-to-station) interference will be created by the proposed early transition of Station, with the exception of stations WFXT, Boston, MA (Facility ID 6463) and WPXN-TV, New York, NY (Facility ID 73356). In the cases of stations WFXT and WPXN-TV, the FCC's temporary permissible transitional interference limit of 2% is met. WPXN-TV and WFXT are scheduled to transition in Phase 4. As such, no new pairwise (station-to-station) interference will be created by the proposed early transition of Station. Also, there is no impact on any linked station set or other transitioning stations.

Impacts to Transition Plan. This early out-of-phase transition will in fact permit better utilization of resources by engaging vendors and service providers early in the process rather than have them potentially overloaded further in the transition. The proposed transition therefore will further the overall transition plan.

WEDH, WCCT-TV/WTIC-TV and WHPX-TV , owned respectively by Tribune Broadcasting Hartford LLC and ION Media Hartford License, Inc. , currently share an antenna on a tower owned by Communications Site Management, LLC (ComSite). Northeast Towers, LLC operating under the supervision of Turriss Engineering, Inc. will be removing the existing antenna and installing a new broadband antenna for all four stations to meet the August 2, 2019 deadline . The project schedule has the antenna installation done on the same day for all 4 broadcasters. With WEDH being out of Phase, there was a prospect for delay which has now been ameliorated.

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Impact to Viewers. Under the Transition Plan, there are scheduled to be two rescans of the Station's DMA. Grant of the proposed early transition of Station will not result in an increase in the number of rescans. The Commission previously granted WUTH-CD's request to move in phase 4, leaving only WEDH in phase 7 in the Hartford & New Haven DMA. Because the proposed early transition will reduce the number of rescans in the DMA from two to one, grant of the instant waiver is appropriate. CPBI pledges to act to further mitigate any viewer disruption by increasing outreach education above and beyond the required once per day for 30 days of public service announcements and crawls to notify the Station audience of the proposed transition and provide detailed instructions on the rescanning process.

CPBI pledges to act to further mitigate any viewer disruption by increasing outreach education above and beyond the required public service announcements and crawls to notify the Station's audience of the proposed transitional timeline and provide detailed instructions on the rescanning process. Specifically, for at least 30 days prior to ceasing operation on its pre-auction channel, the Station will devote 90 seconds per day to viewer on-air education, PSAs, and crawls. These efforts will be targeted to alert the public of the new channel.

WEDH will complete the transition using its final, permanent, transmission facilities as provided in the construction permit granted on 7/5/2017. WEDH does not anticipate needing to utilize auxiliary facilities past the phase 4 transition deadline if a waiver is granted.

MVPD Notification. Finally, CPBI will start to take the necessary actions to ensure all impacted MVPDs are notified of the impending channel change at least 90 days prior to actual change.

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.

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