

## Request for Waiver of Phase Assignment

NBC Telemundo License LLC (“NBCTLL”), the licensee of full-power digital TV station KTMD, Galveston, Texas (FIN 64984), hereby amends its pending request to seek a waiver of the post-Incentive Auction Transition Phase assignment and corresponding testing and construction completion deadlines for KTMD. The FCC assigned KTMD to be repacked from channel 48 to channel 22 in transition phase 2 with a phase completion date of April 12, 2019. As KTMD will be unable to commence operation on its repack channel by the current phase completion date as a result of circumstances beyond its control, NBCTLL now respectfully requests that the FCC reassign KTMD to phase 3.

On March 18, 2019, the new antenna for KTMD’s repack channel 22 facility was damaged during the process of preparing it for a helicopter lift for installation on the tower such that the antenna had to be repaired by the manufacturer. Although the helicopter and crew had been rescheduled to install the new transmission line, install the new antenna and complete construction of KTMD’s repack channel facility by the current phase completion date, severe weather conditions in the Houston area prohibited access to the tower. Severe weather conditions also continue and are also expected in the Houston area for several days beyond April 12, which will prohibit KTMD from completing construction of its repack channel facility by April 12. NBCTLL currently anticipates that the delay would only be for a few weeks beyond April 12.

In the *Transition Scheduling Adoption PN* and the *Transition Requirements Reminder PN*, the Commission anticipated there would be circumstances where a station would need to seek a waiver of the phase completion deadline and continue operating on the station’s pre-auction channel.<sup>1</sup> The Commission stated that it would consider such requests on a “case-by-case basis” under the FCC’s general waiver standard by assessing the impact of such requests on the transition schedule, including factors such as impact on viewers and other broadcasters as well as how the modified transition schedule may disrupt deployment of new 600 MHz broadband services.<sup>2</sup>

In the instant case, KTMD will not be able to complete construction of its repack channel 22 facility by the current April 12, 2019, deadline due to weather conditions beyond its control, and KTMD has no alternative facility to continue providing service to viewers other than using its licensed pre-auction channel 48 auxiliary antenna facility.<sup>3</sup> Further, there will be no negative

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<sup>1</sup> See *Incentive Auction Task Force and Media Bureau Adopt a Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 32 FCC Rcd 890 (MB 2017) (“*Transition Scheduling Adoption PN*”); see also, *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadline*, Public Notice, 33 FCC Rcd 8240 (MB 2018) (“*Transition Requirements Reminder PN*”).

<sup>2</sup> See *Transition Scheduling Adoption PN*, at paras. 49-51; see also, *Transition Requirements Reminder PN*, at paras. 14.

<sup>3</sup> KTMD is currently operating with its licensed pre-auction channel 48 auxiliary antenna facility (File No. 0000067047) and will continue to operate with this facility until the station completes its transition to

impact on the overall transition schedule. KTMD is not part of a linked set, and because KTMD currently operates in the 600 MHz band, a short delay in the station's transition to its repack channel will not create a new linked station set. NBCTLL also notified T-Mobile USA, Inc. ("TMO") about the circumstances and TMO does not object to KTMD continuing to operate on its pre-auction channel 48 for several weeks beyond the current April 12 deadline. Finally, KTMD is also coordinating with other repacked stations in the market to minimize as much as possible the need for viewers to rescan multiple times.

Accordingly, the grant of this request will serve the public interest by permitting KTMD to continue serving viewers while the station completes its transition to its repack channel.

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its repack channel 22 facility (File No. 0000034337). While NBCTLL plans to apply for, and construct, an auxiliary antenna facility for KTMD on its repack channel, no such backup facility can be made available prior to the transition deadline.