

May 2019: Delay in WBNX-TV's Repack Project

WBNX-TV was recently advised by its transmitter vendor (GatesAir) that the fabrication and delivery of the station's post-transition (channel 17) transmitter has been delayed.¹ *See* Letter from GatesAir (copy attached). WBNX-TV's initial post-transition operation will use an interim antenna, which will be connected to the post-transition transmitter. The interim antenna is the aux antenna for which WBNX-TV currently holds a CP. *See* LMS File No. [0000068182](#), granted March 25, 2019. And, WBNX-TV also filed an application to extend its repack CP. *See* LMS File No. [0000072204](#).

WBNX-TV's transition plan has been to terminate pre-transition (channel 30) operations on the final day of the Phase 4 testing period (i.e., August 2, 2019). In light of the recent development relating to the transmitter delay, however, WBNX-TV now anticipates that the station will be unable to commence post-transition (channel 17) operations until August 8. *See* Letter from GatesAir.

As of the date of this filing, WBNX-TV's repack construction remains fluid in light of the transmitter delay. WBNX-TV is the only television station owned and operated by the licensee, and the station is not affiliated with a Big 7 network. As such, WBNX-TV has precious little bargaining leverage with vendors and as a practical matter is not in a position to influence the transmitter manufacturer's schedule. WBNX-TV, through legal counsel, will remain in touch with Commission Staff as conditions and circumstances continue to evolve.

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¹ This 10-Week Transition Progress Report was due May 24, 2019. The station is filing this report after the deadline because the transmitter delay developments were coming into focus during the week of May 20, and WBNX-TV obtained an explanatory letter (copy attached to this exhibit) from the transmitter manufacturer on May 30 (the vendor's letter is dated May 22, but the vendor sent it to us on May 30). To the extent that a waiver of the May 24 filing deadline is deemed necessary, WBNX-TV hereby respectfully requests a waiver. A waiver is reasonable under the circumstances, because the transmitter delay developments were fluid during the days leading up to the May 24 filing deadline. If WBNX-TV had made a filing on May 24, it would have been incomplete. Legal counsel for WBNX-TV communicated this situation to Commission Staff on May 24.



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Mason, OH USA 45040
1 800.622.0022
gatesair.com

May 22, 2019

WBNX-TV
2690 State Road
Cuyahoga Falls, OH 44223
Attn: Pamela Dourm, Chief Engineer

Dear Mrs. Dourm:

On behalf of GatesAir Inc., I would first like to thank you for placing your trust in GatesAir for your new post-repack transmitter. It has been our pleasure to get to know you during this process and we look forward to serving WBNX for years to come.

As you are well aware the Spectrum Repack has presented to the industry as a whole, challenges in the way of timing, resources, and equipment availability. GatesAir is starting to feel the impact of the equipment shortages as we continue to manufacture full transmitter systems moving into Repack Phase 4 and beyond. As you and I discussed earlier, we have been managing our factory operations by date of order and down-payment, as well as by the date of our orders to third party manufacturers of necessary RF components such as Mask Filters.

We have worked hard to make up for shortages, resource constraints and delays, however we regret to inform you that we will be unable to meet the WBNX-TV Phase 4 repack deadline of August 2, 2019.

After full review of your transmitter system, and based on the availability of RF system components, we have the following timeline for the delivery and Installation of your system:

- WBNX-TV Purchase Order placed with GatesAir: February 1, 2019
- WBNX-TV down-payment deposit received: March 9, 2019
- WBNX System ships from GatesAir Quincy, IL factory: July 26, 2019
- WBNX System delivery to Parma, OH transmitter site: July 27, 2019
- Installation Begins: July 30, 2019
- Installation / Proof Complete and transmitter operational: August 8, 2019

Based on the timeline above, the WBNX post repack transmitter will be on air six (6) days after the FCC Phase 4 deadline of August 2, 2019. At this time we feel confident with these dates and commitments, provided we are not presented with any further vendor delays. We will monitor all aspects of your order closely and inform you of any changes in writing.



Please use this letter as supporting documentation for your progress reports and for the purpose of filing for an extension to the project deadline.

Should you require additional information or have any questions, please do not hesitate to contact me at (513) 226-5782.

Thank you again for your trust in GatesAir. We look forward to working with you.

Sincerely,

Paul Barzizza
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