



Federal Communications Commission
Washington, D.C. 20554

June 20, 2019

KUVN License Partnership, LP
Univision Local Media, Inc.
Unimas Partnership of San Antonio
Christopher Wood
5999 Center Drive
Los Angeles, CA 90045

Re: Requests for Extension of
Construction Permit
KUVN-CD, Fort Worth, TX
KXLK-CD, Austin, TX
KCOR-CD, San Antonio
Facility ID Nos. 5319, 48836 and 48837
LMS File Nos. 0000068559,
0000068562 and 0000068560

Dear Licensees,

On March 18, 2019, KUVN License Partnership, LP, the licensee of Station KUVN-CD, Fort Worth, Texas (KUVN-CD); Univision Local Media, Inc., licensee of Station KXLK-CD, Austin, Texas (KXLK-CD) and Unimas Partnership of San Antonio, licensee of Station KCOR-CD, San Antonio, Texas (KCOR-CD)¹ (collectively "Univision" and "Stations") filed the above captioned applications seeking an extension of the Stations' construction permit expiration dates. All three stations are commonly owned. For the reasons below, we grant Univision's requests and extend the Stations' construction permit expiration dates to December 18, 2019.

Background. Pursuant to Section 73.3700(b)(5) of the Commission's rules, a station may request a single extension of its construction permit deadline of up to 180 days to complete construction of its post-auction facility.² Grant of an extension of the construction permit deadline does not alter the deadline by which a station must cease operating on its pre-auction channel. A station anticipating the need for an extension must submit an extension application using FCC Form 2100, Schedule 337, not less than 90 days before the assigned construction permit deadline.³ For Phase 3 stations, such application was due by March 25, 2019. The application must demonstrate that the station is unable to complete construction on time due to circumstances that were either unforeseeable or beyond the station's control.⁴

¹ KCOR-CD is formerly KNIC-CD.

² See 47 CFR § 73.3700(b)(5). All subsequent requests for additional time to construct are subject to the Commission's tolling provisions, 47 CFR § 73.3598(b).

³ 47 CFR § 73.3700(b)(5)(iv).

⁴ The *Incentive Auction R&O* provides examples of six circumstances that might justify an 180-day extension of a station's post-auction construction permit: (1) weather related delays; (2) delays in construction due to the unavailability of equipment or a tower crew; (3) tower lease disputes; (4) unusual technical challenges; or (5) delays caused by the need to obtain government approvals, such as land use or zoning approvals, or to observe competitive bidding requirements prior to purchasing equipment or services; and (6) financial hardship with sufficient supporting evidence. See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive*

KUVN-CD was repacked from channel 47 to channel 11; KXLK-CD from channel 23 to channel 14; and KCOR-CD from channel 34 to channel 27. All of the Stations were assigned to transition phase 3, which has a phase completion date of June 21, 2019. The Stations plan to cease operations on their pre-auction channels and go silent on June 21, 2019 and resume operations after construction of their post-auction channel facilities are complete. All of the Stations' programming is currently aired and will continue to be aired on other commonly owned full power stations.⁵ All repacked stations for Phase 3 were issued a construction permit with an expiration date of June 21, 2019.

Univision explains that KUVN-CD performed a lengthy search to find a tower that would pass structural analysis, studying several towers for the proposed tower and a new tower was selected. KUVN-CD's new tower is now undergoing structural reinforcement, and the Station's post-auction antenna cannot be installed until this work is completed. KXLK-CD's current tower has failed structural analysis and will require extensive reconstruction or more likely relocation. To date, Univision has not yet confirmed a suitable alternate tower. Univision states that it attempted to install a smaller interim antenna that would pass structural analysis. According to Univision, KXLK-CD also will require extensive land mobile interference testing on channel 14 that cannot commence until the permanent antenna is installed. With respect to KCOR, Univision asserts that the antenna supplier was not able to deliver the required custom mounting pole for the Station's antenna, and Univision reports that the KCOR-CD tower owner's engineering firm has now been retained to design that mounting pole. Univision estimates that an additional eight weeks is needed to have the pole fabricated. Meanwhile, Univision states that it cannot secure a tower rigging crew until it has a firm estimate to obtain the required mounting pole. In light of the facts above, Univision states it will not complete construction of its permanent post-auction facility by June 21, 2019 and it requests 180-day extensions of the Stations' construction permits to December 18, 2019, while it completes construction.

Discussion. Upon review of the facts and circumstances presented, we find Univision's requests to extend the construction permit deadlines to construct the Stations' post-auction facilities meet the requirements for a construction permit extension. Univision has demonstrated that an extension is needed because of construction delays outside of its control. We also find that grant of this extension request is not likely to negatively impact the overall transition schedule. The Stations will cease operations on their pre-auction channels by the June 21, 2019 phase transition deadline and will remain silent while they complete construction of their permanent post-auction channel facilities. The Stations' programming is currently carried and will continue to be carried on other commonly owned full power stations. Each Stations' service area is fully encompassed within the contour of the full power station that carries similar programming. Ultimately, we believe that Univision has every incentive to ensure viewers are fully informed about the Stations' transition plans.

We remind Univision that pursuant to the Spectrum Act, the Station is eligible for reimbursement from the TV Broadcast Relocation Fund (Fund) of costs "reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other."⁶ Additional expenses incurred, for

Auctions, Report and Order, 29 FCC Rcd 6567,6804-05, paras. 581-2 (2014) (*Incentive Auction R&O*); 47 CFR § 73.3700(b)(5)(ii) and (iii).

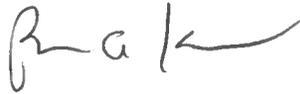
⁵ KUVN-CD's programming will continue to be aired on KUVN-DT, Garland, Texas; KCOR-CD's programming on KNIC-DT, Blanco, Texas; and KXLK-CD's programming on KAKW-DT, Killeen, Texas, all of which will remain on the air.

⁶ *Media Bureau Finalizes Reimbursement Form for Submission to OMB and Adopts Catalog of Expenses*, GN Docket No. 12-268, Public Notice, 30 FCC Rcd 11701, 11701-02 (MB 2015). See also *Incentive Auction R&O*, 29

instance, as a result of the grant of changes in the Station's transition plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund.

The above facts considered, KUVN License Partnership, LP; Univision Local Media, Inc.; and Unimas Partnership of San Antonio applications for extension of construction permit expiration date **ARE GRANTED**. The construction permits (LMS File Nos. 0000064680, 0000030593 and 0000030591) for KUVN-CD, Fort Worth, Texas, KXLK-CD, Austin, Texas and KCOR-CD, San Antonio, Texas **ARE EXTENDED to December 18, 2019**. Grant of these extensions does not permit the Stations to recommence operation on their pre-auction channels once they cease operation. We also remind Univision that any subsequent requests for extension of its construction permit deadline will be subject to the Commission's tolling provisions.⁷

Sincerely,

A handwritten signature in black ink, appearing to read 'B A K', with a stylized flourish at the end.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Matt DelNiro, Esq.

FCC Rcd at 6821, para. 622 ("The appropriate scope of 'costs reasonably incurred' necessarily will have to be decided on a case-by-case basis.").

⁷ See 47 CFR § 73.3700(b)(5)(i) (referencing 47 § CFR 73.3598(b)).