

Phase Adjustment Waiver for WCPX-TV
Chicago, IL, Facility ID 10981

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

ION Media Chicago License, Inc. (“ION”) seeks waiver of the post-Incentive Auction Transition Phase assignment, and corresponding testing dates and construction completion deadlines, for WCPX-TV, Chicago, IL (Facility ID No. 10981) (“Station”). Pursuant to the *Closing and Reassignment Public Notice*, Station has been assigned to Transition Phase 8, for which the Phase Completion Date is 3/13/2020. ION seeks to transition the Station early in Phase 6, with expected transition completion on or before 10/18/2019.

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.”¹ As demonstrated below, ION’s instant request qualifies for such favorable treatment.

¹ *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.² A waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.³ 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.⁴ Such a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁵

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. Specifically, if Station is permitted to complete its transition early in phase 6 in conjunction with WGB0 and W40CN – then all but one station in the Chicago DMA will transition in phase 6. This will reduce the amount of rescanning consumers will need in the Chicago DMA. Additionally, moving early will allow T-Mobile, a winning 600 MHz wireless licensee, will be able to deploy new competitive wireless broadband service to people of the Chicago, IL market up to five months earlier than scheduled.

² 47 C.F.R. § 1.3.

³ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁴ *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.

⁵ *Northeast Cellular*, 897 F.2d at 1166.

Interference. The Station has undertaken an engineering analysis (see attached interference analysis from du Treil, Lundin, & Rackley, Inc.) to determine that no new interference will be created or received by the proposed early transition of the Station beyond the permissible 2% rounding level of interference allowed by the FCC. WCPX-TV (43-34) has two dependencies and must move after stations WISN-TV (34-28) and WEDE-CD (34-28) within the Phase 6 test period to avoid any interference issues.

While this early transition will create a new Linked Station Sets, the Station is coordinating with these broadcasters to ensure they will transition before the Station transitions.

Impacts to Transition Plan. The proposed transition will permit better utilization of resources by engaging vendors and service providers early in the process rather than have them potentially overloaded further in the overall transition. ION has consulted with equipment manufacturers, vendors, site lessor, engineers, and tower crews to ensure an orderly early transition. (see attached letters from vendors). By transitioning in Phase 6 WCPX-TV will be able to utilize shared resources creating multiple efficiencies. These efficiencies include sharing resources such as industry trades, vendor support, project management, and broadcaster coordination efforts.

Impact to Viewers. ION believes any disruption to viewers will be minimized. The Station recognizes that its request for an early transition will not increase the total number of times a viewer may need to rescan equipment in order to receive all reassigned stations in the Chicago, IL market. Under the original FCC transition plan there are two scheduled rescans for WCPX-TV's DMA in Phases 6 and 8. The granting of the proposed early transition will lower the

number of rescans. Due to all stations in the Chicago DMA originally assigned to Phase 8 have are petitioning to Phase 6, only one rescan for the DMA would be required. The one re-scan is within the cap (2 rescans) established by the Transition Public Notice, therefore, grant of the instant waiver is appropriate.

ION pledges to act to further mitigate any viewer disruption by increasing outreach education above and beyond the required public service announcements and crawls including utilizing the Station's digital and social media outreach to notify the Station audience of the proposed transition and provide detailed instructions on the rescanning process. This will ensure that viewers will be well informed of the transition.

WCPX-TV will complete the transition to its transmission facilities as provided in the construction permit granted on 5/21/18. WCPX-TV will operate on an antenna installed on top of the Willis Tower. The two other broadcasters on Willis Tower, WWME-CD and WLS-TV, will also repack early in Phase 6. The FCC previously granted WLS-TV's waiver request to also move from Phase 8 to 6.

MVPD Notification. Finally, ION 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.