

Virginia Broadcasting, LLC
WVIR-TV, Charlottesville, VA
Facility ID 70309
FRN 0005-0045-28

REASON FOR LEGAL SPECIAL TEMPORARY AUTHORITY

This application requests a transfer of WVIR-TV from Transition **Phase 5** to **Phase 6** in the post-incentive auction repack of the television spectrum.

WVIR-TV is moving from Channel 32 to Channel 2. It is currently assigned to Phase 5, with a construction completion deadline of September 6, 2019. A delay until Phase 6 is requested, with a completion deadline of October 18, 2019.

Unexpected Equipment Delivery Delays

The licensee requires a new transmitter and antenna and is replacing an existing tower, all as authorized in LMS File No. 0000034904. The tower construction will be completed on time. The new transmitter, antenna, and associated equipment were ordered in January of 2019, with delivery promised in time to complete construction in August. The licensee believes that the ordering lead time was ample.

Then, on July 25 and July 26, the licensee unexpectedly received letters from Jampro, stating that it would be 8 more weeks before delivery of the antenna, and from Hitachi Koksusai Comark, stating that delivery of the transmitter would be delayed for 2 weeks. Comark sent a second letter, on August 7, stating that delivery will be delayed for 3 weeks. These unexpected delays make it impossible to complete construction of the new Channel 2 facilities by September 6.

The timely equipment orders and unexpected delay notifications are documented by the attached excerpts from the equipment orders and letters from the suppliers, stating that delivery deadlines will not be met. (The terms of the Comark order were agreed upon in January; the order is dated March-April only because of delays in completing the associated paper work.) WVIR-TV has made all required payments, so delivery delays are not based on any payment delinquencies.

As of the date of this request, the Comark transmitter has been shipped, with arrival anticipated during the week of August 19-23. Jampro has still not provided a firm new delivery date, despite repeated requests and daily telephone calls. The licensee has emphasized to Jampro that the new antenna must arrive in time to be in service no later than October 18, 2019, the end of Phase 6. The licensee has kept the tower rigging crew informed about the delay and believes that the tower crew will be able to meet the October 18 deadline.

A waiver to place WVIR-TV in Phase 6 will establish a revised deadline of October 18, 2019, for operation on Channel 2 under program test authority to commence. Absent further unanticipated equipment delivery delays or unusual prolonged bad weather, WVIR-TV believes that it can meet that deadline.

Engineering Analysis – No Adverse Impact on Other Stations

Two other stations are linked to WVIR-TV's channel change, for a total of 3 stations:

<u>Call Sign</u>	<u>Facility ID</u>	<u>Community</u>	<u>Current Channel</u>	<u>New Channel</u>
WVIR-TV	70309	Charlottesville, VA	32	2
WCAV-TV	363	Charlottesville, VA	19	32
WZBJ-CD	168095	Lynchburg, VA	43	19

Both WCAV-TV and WZBJ-CD are licensed to Gray Television Licensee, LLC; so only two licensees are involved.

As can be seen from the above list, WCAV-TV will take over WVIR-TV's channel, and WZBJ-CD will take over WCAV-TV's channel. The only new channel being introduced that is not already in use in the area is Channel 2. WVIR-TV believes that based on the Commission's TV Query web page, the closest Channel 2 facility is a granted, but unbuilt, displacement construction permit for WNDC-LD, FID 130443, Salisbury, MD, approximately 248 km away; but WNDC-LD holds a superseding construction permit for displacement relief to move to Channel 17 rather than Channel 2. The nearest primary service stations on Channel 2 are further away and are already licensed, with none having to change channel to make room for WVIR-TV.

Gray Television Licensee, LLC will be filing its own separate Legal STA request to move both WCAV-TV and WZBJ-CD to Phase 6.

Consumer Education – MVPDs

In Phase 5, on-air PSAs or crawls were to begin on August 7, 2019, to inform the public of the channel change. Those announcements will now be started on September 18, 2019, 30 days before the Phase 6 cutover date. Because WVIR-TV and WCAV-TV are the only two full service television stations in Charlottesville, and they will both move to their new channels on the same date, it is anticipated that the Phase change will not cause public confusion. The third station in Charlottesville is WHTJ, which shares a channel and is not scheduled not transition until Phase 8; so its transition date will be separate from WVIR-TV and WCAV-TV in any event. Nevertheless, WVIR-TV will broadcast a double schedule of at least 120 seconds per day of PSAs and/or crawls instead of the otherwise applicable 60-second requirement.

MVPDs have already been notified of the channel change. Supplemental notices will be sent advising all MVPDs of the date change.

Conclusion

In light of the foregoing, Virginia Broadcasting, LLC respectfully submits that a Phase waiver is justified, because the equipment delivery delays are last-minute and beyond its control; the delays are not the licensee's fault, because it ordered and has paid for equipment in a timely manner; and no station beyond the three stations that are all requesting the same Phase waiver will be adversely affected.

-0-



PROPOSAL REFERENCE #:
P#3628PRLXV4-032718-R7

Hitachi Kokusai Electric Comark LLC

104 Feeding Hills Road
Southwick, MA 01077
TEL: (413) 998-1100
FAX: (413) 998-1178

FEIN#27-4660540

Westfield Bank
141 Elm Street
Westfield, MA 01086
ABA#211871604
Account #1001323052
Swift Code: WFLDUS33

Subject: PARALLAX Digital Television Transmitter

Call Letters/ID: WVIR / Channel 2

Charlottesville, VA

Attn: Harold Wright

Group Owner VIRGINIA BROADCASTING, LLC

Phone: 434-220-2900

Email: hwright@nbc29.com

Contact: Jack McAnulty

Phone: 413-998-1523

Email: jmcanulty@comarktv.com

Proposal Date: 03/29/19

Validity: 15-Apr-19

Item	Model #	Description	Qty	Unit Price USD	Total USD
1	HPTV-PRLX-V4 (upgradeable)	Parallax 5.4kW VHF Band 1 Liquid Cooled Digital Transmitter, upgradeable to 30kW	1		
2	MISC-AUX	Auxiliary Equipment & Services	a/r		
TOTAL NET PRICE:					[redacted]

Payment and Delivery:

Payment Terms: •35% Down Payment is due and payable upon receipt of signed proposal
•30% is due and payable within 60 days from date of purchase order
•30% is due and payable upon notification that transmitter is ready to ship
•5% is due and payable upon completion and acceptance of proof of performance

Incoterm 2010: Ex-Works

Delivery: On or before July 15, 2019 with completion on or about August 3, 2019



PROPOSAL REFERENCE #:
P#3628PRLXV4-032718-R7

Hitachi Kokusai Electric Comark LLC

104 Feeding Hills Road
Southwick, MA 01077
TEL: (413) 998-1100
FAX: (413) 998-1178

FEIN#27-4660540

Westfield Bank
141 Elm Street
Westfield, MA 01086
ABA#211871604
Account #1001323052
Swift Code: WFLDUS33

General Conditions:

This quotation contains proprietary information and it may not be divulged to any third party without the expressed written consent of Hitachi Kokusai Electric Comark LLC

This Proposal and all sales hereunder shall be subject to the attached Sales Terms and Conditions. Although the customer may include or reference its standard forms for orders or other notices hereunder, such standard forms will be superseded by the terms and conditions of this proposal including the attached Sales Terms and Conditions and any term or condition in such standard forms that is inconsistent with or in addition to the terms and conditions of this Proposal shall this Proposal shall have no force or effect.

If this proposal is acceptable, please sign below and fax a copy to Hitachi Kokusai Electric Comark LLC (413) 998-1178.
Please attach a copy of a tax exempt certificate (if applicable). Please reference this Proposal Number on all Purchase Orders.

Special Conditions:

1. It is agreed and understood by Hitachi Kokusai Electric Comark, LLC that this Proposal and sale hereunder is expressly contingent upon Virginia Broadcasting, LLC receiving a special use permit, a waiver of a lot line setback requirement and other forms of permission from the County of Albemarle, Virginia and other governmental entities or agencies.
2. Unless Virginia Broadcasting, LLC receives all governmental permissions to erect the tower and antenna contemplated by this Proposal, this Proposal is null, void, and unenforceable.
3. Hitachi Kokusai Electric Comark, LLC will insure the shipment until it is unloaded at the transmitter site.
4. All software licenses are transferrable to new owner if the station is sold.
5. All warranties are transferrable to new owner, if the station is sold.

Purchaser's Acceptance

Proposal # P#3628PRLXV4-032718-R7

Purchaser's Name: VIRGINIA BROADCASTING, LLC

Signature:

Title: Vice President & General Manager

Date: 3/29/2019

Bill To: Virginia Broadcasting LLC
503 East Market Street
Charlottesville, VA 22902

Ship To: Virginia Broadcasting LLC
Carter's Mountain Trail
Albemarle County, Virginia

Hitachi Kokusai Electric Comark LLC

July 26, 2019

Mr. Harold Wright
WVIR-TV NBC29
503 E. Market Street
Charlottesville, VA 22902

Dear Mr. Wright,

I regret to inform you that we will not be able to meet the original ship date of July 31, 2019 for the transmitter you have ordered thru us due to a vendor item that has been back ordered.

We anticipate a two-week delay in shipment.

I will provide keep you informed on the delay. If you should have any questions, please do not hesitate to contact me.

Sincerely,



Jack McAnulty
Director of Sales

104 Feeding Hills Road
Southwick, MA 01077 – USA

Tel: (413) 998-1100, Fax: (413) 998-1194
www.comarktv.com

COMARK
Communications

Hitachi Kokusai Electric Comark LLC

August 7, 2019

Mr. Harold Wright
WVIR-TV NBC29
503 E. Market Street
Charlottesville, VA 22902

Dear Mr. Wright,

I regret to inform you that we will not be able to meet the original ship date of July 31, 2019 for the transmitter you have ordered thru us due to a vendor item that has been back ordered.

We anticipate a three-week delay in shipment.

I will provide keep you informed on the delay. If you should have any questions, please do not hesitate to contact me.

Sincerely,



Jack McAnulty
Director of Sales

104 Feeding Hills Road
Southwick, MA 01077 – USA

Tel: (413) 998-1100, Fax. (413) 998-1194
www.comarktv.com

COMARK
Communications



Jampro Antennas, Inc.
6340 Sky Creek Drive
Sacramento, CA 95828
916-383-1177 Fax 916-383-1182

Proposal #
AP 122217J-R4

Quote

Prepared For

Name
Company **WVIR, Charlottesville, VA**
Address

For: **Ch.2 Repack 6 Bay Lambda**

Date **12/18/2018**
Valid until **11/18/2019**
Rep **Alex P.**
Est. Ship Date **90-120 days**
(business days)

Item	Qty	Part #	Description	Unit Price	Total USD
1	1		Lambda VHF Band I Circularly Polarized Channel 2 Omni Directional Broadcast Antenna. Comprised of 6 bays of four slant dipoles around a pole. Input Power: 50kw RMS Gain: 2.65x/4.23 dBd	\$ [REDACTED]	\$ [REDACTED]
2	1	RCEC-318-2MF	RCEC-318-2MF Sharp Tuned Mask Filter. This is a CH 2 8-sections sharp-tuned mask filter ELECTRICAL SPECIFICATIONS Module Specifications Filter Order: 8-Section Sharp-Tuned Broadcast Band: I Modulation Format: ATSC Channel Bandwidth (BW): Fc + 2.69 Mhz Channel: 2 Output Power: 32 kW Insertion Loss at Fc: 0.20 dB typ over Fc ± 2.69 MHz: 0.35 dB typ Group Delay Variation over Fc ± 2.69 MHz: 450 nsec. Typ Return Loss over BW: ≥26.0 dB Rejection Fc + 3.25 MHz: ≥18.0 dB Fc ± 9.0 Mhz: ≥64.0 dB Dir. Coupler Coupling Value: -60.0 dB Coupled Output Connector: Type N Female Cooling: Natural Convection Load: Not Included Connectors Input: 3-1/8" Flanged, 50 Ohm Output: 3-1/8" Flanged, 50 Ohm	\$ [REDACTED]	\$ [REDACTED]



Jampro Antennas, Inc.
6340 Sky Creek Drive
Sacramento, CA 95828
916-383-1177 Fax 916-383-1182

Proposal #
AP 122217J-R4

Quote

Prepared For

Name
Company **WVIR, Charlottesville, VA**
Address

For: **Ch.2 Repack 6 Bay Lambda**

Date **12/18/2018**
Valid until **11/18/2019**
Rep **Alex P.**
Est. Ship Date **90-120 days**
(business days)

Item	Qty	Part #	Description	Unit Price	Total USD
		26	Customer agrees to hold Jampro harmless for any and all consequences of disclosures related to the discovery of hazardous waste. In the event the project site is not owned by the Customer, Customer recognizes the it is the Customer's responsibility to inform the property owner of the discovery of the unanticipated or suspected hazardous materials.		
		27	Price does not include: disposal of any crates or other items, freight, customs, duties, taxes, hauling of materials to site from port, storage of materials off site if needed, site clearing or preparation, carnets for installation equipment.		
5	1		Led Red Lighting kit including controller and wiring	\$ [REDACTED]	\$ [REDACTED]
6	1		Paint for field application	\$ [REDACTED]	\$ [REDACTED]
7	1		Foundation Estimate Based upon normal soil to be confirmed after receipt of Soil Test Report	\$ [REDACTED]	\$ [REDACTED]
All prices are net (USD) Prices are FOB manufacturers, freight not included Price does not include any consolidation of freight					Prices Redacted

Any questions please contact your sales representative:

Alex Perchevitch

E-mail: alex@jampro.com

Office: 1 (916) 383-1177

Fax: 1 (916) 383-1182

Sub-total \$ [REDACTED]

Total \$ [REDACTED]

Accepted by:

Signature

Title

Date

1/3/19

Accepted by:

Signature

Title

Date

Jampro Antennas, Inc.



July 25, 2019

WVIR-TV
Virginia Broadcasting Corporation
503 East Market Street PO Box 769
Charlottesville, Virginia 22902

Subject
Jampro Job#19464
WVIR-TV
Ch.2 Lambda Antenna System & Tower

Dear Sir,

This letter is to inform you that your order is delayed. As of today it will be about 8 weeks.

We are sorry for any inconvenience this has caused.

Feel free to contact us with any questions.

Regards,


Alex Perchevitch
President
JAMPRO ANTENNAS, INC.