

WSES – Request for Construction Permit Extension

HSH Birmingham (WSES & WGWW) License, LLC, licensee of station WSES(TV), Tuscaloosa, AL, FIN 21258 (“WSES”), hereby requests an extension of its construction permit (File No.: 0000034330) (“CP”), due to circumstances beyond its control, so as to allow WSES to operate on interim facilities while its permanent facilities are completed, and further requests a waiver of the Commission’s rules to the extent necessary. *See* 47 C.F.R. Section 73.3700(b)(5)(iv).¹ WSES hereby respectfully requests an extension of its CP for a period of 180 days from September 6, 2019 until March 4, 2020.

WSES is assigned to transition from Channel 33 to Channel 36 in Phase 5 of the repack.

WSES’s interim antenna will be installed on August 28, 2019. Its interim one-cabinet transmitter is currently being installed and the station will use the low power during interim operations. Cutover will occur on September 3, 2019, after which a four-cabinet full power transmitter needs to be installed and tested, and proof of performance conducted. Also post transition, the helicopter pick for the full power antenna is scheduled for September 4, 2019. WSES has been delayed by a lack of transmitter installation crew resources and the lack of tower crew resources.

Because of this delay, WSES will not be able to complete construction of its permanent post-repack facilities by the end of Phase 5 on September 6, 2019. Thus, WSES respectfully requests an extension of its CP since it will not be able to operate on its permanent post-repack facilities and therefore will not be able to cover its CP while construction is completed on its permanent facilities. WSES is concurrently filing an STA request as well seeking permission to transition to its post-repack channel while operating on interim facilities. This request will not impact the repack efforts of other stations because, prior to the completion of Phase 5, WSES will still transition to its post-repack channel. Furthermore, grant of the instant CP extension request would be in the public interest because it would allow WSES to broadcast on its post-repack channel without disruption to the overall repack.

WSES will cease operations on its pre-auction facilities and begin broadcasting on its post-auction channel utilizing the above-referenced temporary facilities prior to the end of Phase 5.

¹ This request has been filed fewer than 90 days before WSES’s current construction deadline. The station only recently learned that construction of its post-repack facilities would be delayed. WSES thus respectfully requests a waiver of 47 C.F.R. §73.3700(b)(5)(iv).