

## **Request for Special Temporary Authority**

Pacific and Southern, LLC (“Licensee”), licensee of WLTX(TV), Columbia, South Carolina (Facility ID 37176) (“WLTX”), hereby requests special temporary authority to move from Phase 5 to Phase 6, due to construction delays caused by inclement weather and other unanticipated challenges in completing the facilities authorized by the construction permit for WLTX’s main post-Incentive Auction facility (File No. 0000074631) (the “Main CP”). Subject to the Commission’s approval of this request, WLTX would remain on its pre-Auction channel at its licensed parameters until no later than the Phase 6 deadline, October 18, 2019. As further described below and in the attached technical exhibits, grant of this request would not cause impermissible interference to any station or otherwise impact the broader transition schedule.

WLTX’s new primary antenna already has been mounted. However, the station still needs to complete the replacement, conditioning and testing of its transmission line. In early September 2019, WLTX lost multiple days of tower work due to circumstances beyond the station’s control. These include days on which high winds and other inclement weather made it impossible to work, as well as a mandatory off day after the tower crew had worked for 15 days straight and, in one instance, the loss of the majority of the day of tower work on September 2, 2019, when the crew chief determined that two climbers were not prepared to safely work that day. In addition, on September 7, 2019, while the crew was removing old transmission line from a position about 1,300 feet up on the tower, a section of line fell about 10-15 feet, damaging multiple horizontal braces that provide structural reinforcement for the tower. Although temporary reinforcement allowed for the completion of some additional work that day, further analysis on September 8 concluded that work would have to be paused until the damaged braces could be replaced with custom reinforcement. That repair work was completed on September 9. Licensee estimates that by the end of the day on September 10, there will be approximately 300-340 feet of new transmission line remaining to be run, as well as approximately 240-300 feet of old line remaining to be removed.

Prior to September 1, Licensee believed it still would be able to complete construction of the Main CP facilities by the Phase 5 deadline.<sup>1</sup> However, in light of the delays described above and the short time remaining before the Phase 5 deadline, Licensee requests that it be allowed to transition in Phase 6 instead, to ensure that the station’s permanent facility can be timely constructed and licensed notwithstanding the possibility of further unforeseen delays.

WLTX does not currently have any interim facilities it could use to move to its post-Auction channel (Channel 15) pending completion of post-Auction facilities; thus, denial of the relief requested herein would force WLTX to go dark. To avoid cutting off service to WLTX’s over-the-air viewers, and MVPDs receiving the station’s signal over-the-air, Licensee requests special temporary authority to continue to operate on its pre-Auction channel, Channel 17, at its licensed parameters. The technical exhibits attached to this STA application demonstrate that

---

<sup>1</sup> To the extent necessary, Licensee thus requests that the Commission waive the requirement that requests for additional time to complete construction be filed at least 90 days in advance of the construction permit deadline, as the events responsible for the delay in completing the station’s facilities did not occur until the first week of September. See § 73.3700(b)(5)(iv). For the reasons set forth herein, grant of this waiver would serve the public interest by allowing WLTX to complete construction of its permanent post-Auction facility in an orderly fashion, without affecting any other party’s repacking.

WLTX's continued Channel 17 operations would not cause more than two percent pairwise interference to any station or otherwise affect other stations' repacking transitions.<sup>2</sup>

Specifically, Licensee identified three television stations potentially affected by postponing WLTX's transition, all of which are repacked Phase 5 stations: WHNS, Greenville, SC (Facility ID 72300) ("WHNS"), which is scheduled to move from Channel 21 to Channel 17; WTAT-TV, Charleston, SC (Facility ID 416) ("WTAT"), which is scheduled to move from Channel 24 to Channel 17; and WJPM-TV, Florence, SC (Facility ID 61008) ("WJPM"), which is scheduled to move from Channel 45 to Channel 16.

Licensee's engineering analysis confirms that WLTX's continued Channel 17 operations would not cause any impermissible interference to WJPM's authorized post-Auction facilities on Channel 16.

Licensee has consulted with both stations that temporarily would be co-channel with WLTX – WHNS and WTAT – regarding WLTX's proposed interim operations. WTAT has confirmed to Licensee that WTAT will not transition to Channel 17 by the Phase 5 deadline and instead intends to operate temporarily – for at least two weeks after the Phase 5 deadline – on a different channel under a channel sharing agreement, pending completion of WTAT's Channel 17 interim facilities.<sup>3</sup> Accordingly, WTAT does not object to WLTX's interim operations as proposed herein for so long as WTAT is operating under its temporary channel sharing arrangement. In the event WTAT is ready to commence Channel 17 operations before WLTX's Channel 15 facility is complete, Licensee will further reduce power as needed to protect WTAT's facilities, subject to the Commission's approval of a modified WLTX STA.

WHNS has confirmed to Licensee that WHNS plans to operate on Channel 17 under an STA<sup>4</sup> from the Phase 5 deadline until its permanent post-Auction facilities are complete, which WHNS does not expect to occur prior to September 26, 2019. Accordingly, WHNS does not object to WLTX's continued operations as proposed herein, subject to Licensee's agreement that when WHNS commences operation on its permanent Channel 17 facilities, WLTX will adjust its power as necessary to ensure WLTX does not cause more than two percent pairwise interference to WHNS. Licensee has so agreed, and the technical exhibits attached to this STA application demonstrate that WLTX can operate at its full licensed parameters on Channel 17 without causing impermissible interference to WHNS's interim or permanent post-Auction facilities.

Licensee hereby accepts any additional interference caused to WLTX on its pre-Auction channel by WHNS, WTAT, and/or WJPM.

---

<sup>2</sup> See *Incentive Auction Task Force and Media Bureau Adopt a Post-Incentive Auction Transition Scheduling Plan*, Public Notice, DA 17-107, at ¶¶ 14, 49 & n.163 (IATF & MB Jan. 27, 2019) (establishing requirement that "a station cannot cause more than two percent new pairwise interference to another station during the transition" and noting that requests to modify transition deadlines will be viewed favorably if they have minimal impact on other stations' transitions).

<sup>3</sup> WTAT described this transition plan in its recent STA request, which the Video Division granted on August 29, 2019. See "WTAT-TV – Request for STA to Operate on Interim Facilities," File No. 0000080631 ("WTAT is actively working on a channel share agreement to allow WTAT to remain on the air because WTAT will be required to go dark on September 6 on its pre-auction Channel 24. ... Once the station's permanent antenna is installed, WTAT will cut over and commence operations on its post-repack Channel 17, using its interim transmitter to feed the station's full power permanent antenna, until such time as the station's permanent transmitter installation is complete.").

<sup>4</sup> See File No. 0000080761.

Subject to the Commission's approval of Licensee's STA request, WLTX will select a new transition date on or prior to the Phase 6 deadline and will inform viewers of the new transition date through multiple platforms. These informational efforts will include:

- on-air announcements of the date along with information on how to rescan;
- lower-third crawls in all dayparts leading up to the rescan date;
- rescan information included in each newscast;
- rescan information posted on WLTX social media platforms, including Facebook, Twitter, and Instagram;
- an extended video on how to rescan posted to wltx.com, Facebook, and YouTube;
- press releases detailing the rescan sent to all local newspapers and radio stations;
- a phone bank WLTX will hold the day before the rescan to answer questions and assist viewers; and
- repacking information distributed by local senior centers.

Grant of this STA thus would serve the public interest by preserving service to the public and facilitating the orderly completion of WLTX's main post-Auction facility without impacting the broader repacking schedule.