



Federal Communications Commission
Washington, D.C. 20554

September 19, 2019

NBC Telemundo License, LLC
Margaret L. Tobey
300 New Jersey Avenue, N.W.
Suite 700
Washington, DC 20001

Re: Request for Extension of
Construction Permit
WMAQ-TV, Chicago, IL
Facility ID No. 47905
LMS File No. 0000078105

Dear Licensee,

On July 16, 2019, NBC Telemundo License, LLC (NBC), the licensee of Station WMAQ-TV, Chicago, Illinois (WMAQ or Station), filed the above captioned application seeking an extension of the Station's construction permit expiration date. For the reasons below, we grant NBC's application and extend WMAQ's construction permit expiration date 180 days to April 15, 2020.

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.¹ 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.² For Phase 5 stations, such application was due by July 22, 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.³

WMAQ was repacked from channel 29 to channel 33 and assigned to transition Phase 6, which has a phase completion date of October 18, 2019. All repacked stations for Phase 6 were issued a construction permit with an expiration date of October 18, 2019.⁴ The Station pledges to cease operation

¹ 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).

² 47 CFR § 73.3700(b)(5)(iv).

³ 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 Auctions*, GN Docket No. 12-268 et. al., 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).

⁴ WMAQ operates on a shared channel with WSNS-TV, Chicago, Illinois.

on its pre-auction channel by the phase completion date and operate an auxiliary facility on its post-auction channel while it completes construction of its permanent post-auction facilities.⁵

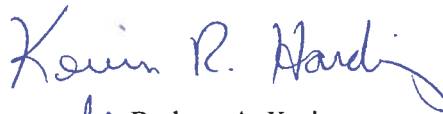
NBC states that WMAQ cannot complete construction of its post-auction channel facilities by the Phase 6 completion date because plans for modifying the tower and the schedule for installation of equipment have not been finalized by the owner of the tower where WMAQ's facilities will be located. NBC maintains that the needed modifications to the tower are extremely complicated due its height, coordination with local authorities, and weather in Chicago. Therefore, NBC requests a 180-day extension.

Discussion. Upon review of the facts and circumstances presented, we find NBC's request to extend the construction permit deadline to construct WMAQ's post-auction facility meets the requirements for a construction permit extension. NBC 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. WMAQ will cease operations on its pre-auction channel by the Phase 6 completion date and will operate an auxiliary facility on its post-auction channel. To the extent some viewers are unable to receive WMAQ's signal while it operates its auxiliary facility, we believe that NBC has every incentive to ensure viewers are fully informed about the Station's transition plan.

We remind NBC 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 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, NBC Telemundo License, LLC.'s application for extension of construction permit expiration date **IS GRANTED**. The construction permit (LMS File No. 0000034535) for WMAQ-TV, Chicago, Illinois, **IS EXTENDED 180 days to April 15, 2020**. Grant of this extension does not permit WMAQ to recommence operation on its pre-auction channel after ceasing operation or after October 18, 2019, whichever occurs first. We also remind NBC that any subsequent requests for extension of its construction permit deadline will be subject to the Commission's tolling provisions.⁷

Sincerely,


for Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁵ See LMS File No. 0000072134.

⁶ 47 U.S.C. § 1452(b)(4)(A)(i). See also *Incentive Auction R&O*, 29 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)).