

Television Wisconsin, Inc.
Station WISC-TV, Facility ID 65143
FCC Form 2100, Schedule 337
Request for Extension of Construction Permit
October 2019

Television Wisconsin, Inc. (“TVW”) hereby requests extension of its construction permit for its post-transition facility for station WISC-TV, Madison, Wisconsin (LMS File No. 0000028220) for up to an additional 180 days to complete its construction as part of the incentive auction repacking process. TVW also requests a waiver of Section 73.3700(b)(5)(iv). As shown below, good cause exists for grant of the requested relief.

TVW holds authorizations for three broadcast facilities:

- Pre-Transition Facility License: TVW’s licensed pre-transition facility (“Pre-Transition Facility”) operates on Channel 50 from an antenna that TVW shares with Station WMSN(TV). In January 2019, TVW obtained Legal Special Temporary Authority (LMS File No. 0000064028) to change its assigned transition phase from Phase 9 to Phase 6 to facilitate common antenna replacement for this shared antenna, which is in a candelabra configuration.
- Interim Facility STA: In August, TVW obtained an Engineering STA (LMS File No. 0000076440) to operate a facility on its post-transition channel (Channel 11) on an interim basis (the “Interim Facility”) via a side-mount antenna while construction crews work to replace the top-mount antenna and candelabra. This Engineering STA expires on February 5, 2020. Construction of the Interim Facility is underway and is expected to be completed during Phase 6.
- Post-Transition Facility Construction Permit: WISC-TV’s post-transition channel 11 facility (LMS File No. 0000028220) (the “Post Transition Facility”) has a construction deadline of October 18, 2019. Like the Pre-Transition Facility, the Post-Transition Facility will operate from a top-mount candelabra antenna, but on WISC-TV’s post-transition channel. Construction is underway.

Based on the most current information available, TVW anticipates that absent unforeseen circumstances, it will be ceasing operations of its Pre-Transition Facility (Channel 50) and commencing operations on its Interim Facility (Channel 11) no later than 11:59 PM local time on October 18, 2019, which corresponds to the last day of Phase 6. TVW has notified the public and affected MVPDs of this transition date. TVW requests, however, an extension of time for up to 180 days to complete construction of its Post-Transition Facility, as provided in Section 73.3700(b)(5) of the Commission’s rules. As shown below, grant of the instant request is in the public interest.

The Post-Transition Facility is part of a complex shared antenna/candelabra installation, and replacement of the antenna is a complex endeavor. Despite all reasonable efforts, events beyond TVW’s control have delayed completion of construction. Specifically, the tower crew, which is working onsite for multiple tenants on the tower, has faced unanticipated delays due to scheduling issues at its previous job site. These delays resulted in a multi-week delay in the crew’s completion of their work at

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that location. As a result, the crew arrived in Madison on Monday October 7, nearly six weeks behind their initially scheduled arrival date. Unavailability of a tower crew is a circumstance that the Commission has suggested might justify a 180-day extension of a station's post-auction construction permit,¹ and TVW submits that such a circumstance exists here. TVW anticipates that construction of the Post-Transition Facility can be completed within a few weeks TVW has every incentive to complete construction quickly, but winter weather arrives early in Madison, Wisconsin, so TVW requests a full 180 days to complete construction, in the unlikely event of further difficulties that are unforeseeable.

TVW also requests a waiver of Section 73.3700(b)(5)(iv), which requires an applicant seeking a 180-day extension to file FCC Form 2100, Schedule 337 no later than 90 days before the assigned construction deadline. In this case, that date was July 22, 2019. As of that date, and for weeks afterward, TVW was unaware of any concern that the tower crew would be unable to relocate to the Madison job site on time. In fact, TVW first learned in late August that its tower crew was facing delays in completing work at its previous job site, and the protected construction schedule has been changed several times over the last few weeks. Due to this fluid, rapidly changing situation, only in the last few weeks has the timing become clearer and, in any event, weeks after the start of the 90-day window.

For these reasons, TVW respectfully requests the relief set forth herein.

¹ See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6804-05, paras. 581-2 (2014).