

LMS File No. 0000080446
WPVN-CD, Facility ID 168237, Chicago, IL
HC2 Station Group, Inc.

EXHIBIT FOR CONSTRUCTION PERMIT EXTENSION REQUEST

Applicant seeks a single extension of the expiration date for a Phase 6 post-auction transition construction permit, due to circumstances beyond its control, so as to allow WPVN-CD to operate on interim facilities while its permanent antenna is completed and installed, 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).

Applicant has successfully transitioned to its post-auction repack channel and is operating pursuant to a Special Temporary Authority (LMS File No. 0000086477). Applicant has been informed that its permanent antenna would not be delivered in time for installation by WPVN-CD's construction permit expiration date, due to unanticipated delivery delays. Applicant believes that WPVN-CD will be able to become operational on its permanent facilities in a matter of months and, in any event, by year end, but requests a 90-day extension out of an abundance of caution and to accommodate any additional unforeseen delivery delays. Applicant has moved off its pre-transition channel, is operating on its post-transition channel, and believes it will not need the entire 180-day extension, and therefore this extension will not disrupt the post-auction transition schedule.

Pursuant to Section 73.3700(b)(5)(iv) of the Commission's rules, the station was required to file a request for additional time to complete construction no less than 90 days before the expiration of the station's construction permit.¹ However, due to the unexpected delays with respect to the delivery of the station's permanent antenna, the Applicant respectfully requests a waiver of that rule and to accept its late filing of the instant request pursuant to Section 1.3 of the Commission's rules for good cause shown.² Good cause exists for this waiver request because it will allow the station to stay on the air to ensure the station's viewers continue to receive the station's programming until such time as the station completes the transition to its permanent post-auction facilities. Consequently, the Applicant respectfully submits that the instant request for a brief construction permit extension satisfies the requirements for a waiver and is in the public interest.

¹ 47 C.F.R. § 73.3700(b)(5)(iv).

² A waiver is appropriate where, as is the case here, when the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall policy on an individual basis. *See, e.g.,* WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969).