

### **Request for Extension of Time to Construct WKCF's Full CP Facility**

Pursuant to Section 73.3700(b)(5)(iv) of the Commission's Rules, Hearst Properties Inc. ("Hearst" or the "licensee" or "applicant"), licensee and permittee of WKCF, Clermont, Florida (Fac. ID No. 53465) ("WKCF" or the "Station"), respectfully requests an extension of time to complete construction of its full, authorized post-transition facilities.<sup>1</sup>

With respect to the applicant's request to extend the deadline for construction of WKCF's full post-transition repack CP facility (*see* LMS File No. [0000024624](#), as modified by LMS File No. [0000034532](#)), Rule Section 73.3700(b)(5) authorizes the Media Bureau to grant a "reassigned" station (such as WKCF) an extension of time to construct its full repack facilities of up to 180 days for a variety of reasons, which

include but are not limited to:

- (A) Weather-related delays, including a tower location in a weather-sensitive area;
- (B) Delays in construction due to the unavailability of equipment or a tower crew;
- (C) Tower lease disputes;
- (D) Unusual technical challenges, such as the need to construct a top-mounted or side-mounted antenna or the need to coordinate channel changes with another station; and
- (E) Delays faced by licensees that must obtain government approvals, such as land use or zoning approvals, or that are subject to competitive bidding requirements prior to purchasing equipment or services.

47 C.F.R. § 73.3700(b)(5)(ii). *See also Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858 (2017), ¶ 41.

From the beginning of Hearst's repack plans for WKCF, the licensee has consistently believed that its full repack facility would be timely constructed by the end of Phase 7. Now, as a result of complications that are beyond the control of WKCF, Hearst has determined that it is virtually impossible for WKCF's full post-transition facility to be constructed by the Phase 7

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<sup>1</sup> To the extent necessary, the applicant respectfully requests a waiver of the October 21, 2019, filing deadline for Phase 7 repack CP extension applications. At that time, and until December 19, 2019, the licensee continued to believe that WKCF's full repack facility would be completed by the end of Phase 7. Only in late December 2019 did developments occur that have now caused the licensee to change its transition plan for WKCF such that the channel cutover will be effectuated by the Phase 7 deadline using interim facilities. Under these late-breaking circumstances, the applicant respectfully posits that a waiver of the October 21, 2019, filing deadline is warranted.

deadline, and the Station will, instead, transition to its post-Auction channel using interim facilities.<sup>2</sup> More specifically, on or around December 19, 2019, WKCF's tower crew vendor advised Hearst that it would have to delay its arrival at the WKCF site from the previously agreed-upon date of January 3, 2020, until roughly January 21, 2020. This final visit to the WKCF repack site is critical to the completion of WKCF's repack project because it involves (i) the installation of new transmission line on the tower and in the transmitter building, (ii) removal of WKCF's pre-transition channel 17 primary antenna, and (iii) installation of WKCF's new post-transition channel 23 primary antenna on the candelabra on the top of the tower. The reason for the delay in the tower crew's arrival is its existing commitment to complete another repack job for another reassigned station in another state, which has been delayed as a result of weather circumstances, which were beyond the control of the vendor. WKCF expects to receive a further update from the tower crew in early January 2020 to obtain greater certainty about the likely arrival date of the tower crew at the WKCF repack site.

In short, the proximate cause affecting the licensee's ability to fully construct the final WKCF post-transition facility (including installation of the new, post-transition top-mount antenna) by the Phase 7 deadline is a delay in construction caused by the anticipated three-week late arrival of the tower crew (which, itself, is a function of uncooperative weather at another repack site beyond the control of all relevant parties), which are the types of situations referred to in Section 73.3700(b)(5)(ii)(A), (B), and (D). Thus, the licensee's new transition plan for WKCF is to (i) use interim facilities to meet the Phase 7 transition deadline and (ii) complete WKCF's final transition as soon as practicable after the Phase 7 deadline. In fact, once the tower crew arrives on site, Hearst anticipates that the crew will be able to complete construction of the full post-transition facility within approximately two weeks' time, at which time WKCF's full, final repack facility will be complete.

Because WKCF's newly-revised transition plan included the successful termination of pre-transition channel 17 operations by the Phase 7 deadline (and cutover to the interim antenna facility to effectuate the timely channel change), the extension of WKCF's repack CP will not affect the nationwide transition. While the licensee believes that the post-transition interim operations on the post-transition aux antenna will be a short-term endeavor, this request respectfully seeks the full additional 180 days (i.e., until July 15, 2020) to complete construction of its full, authorized repack CP facilities because the issues prompting this request have been out of the applicant's control in the first place, and it is difficult (if not impossible) to anticipate all further circumstances that might develop in the meantime.

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<sup>2</sup> On December 26, 2019, WKCF filed for a post-transition aux antenna CP in LMS File No. [0000094122](#). The aux antenna will operate as WKCF's initial post-transition interim facility. As of the date that this repack CP extension application is being filed, the aux antenna CP application in LMS File No. [0000094122](#) remains pending.