

LMS File No. 0000033365  
WVTT-CD, Facility ID 10869, Olean, NY  
HC2 Station Group, Inc.

### EXHIBIT FOR CONSTRUCTION PERMIT EXTENSION REQUEST

Applicant seeks an extension of the expiration date for its Phase 8 post-auction transition construction permit for WVTT-CD, due to circumstances beyond its control, 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 will move off its pre-transition channel by the Phase completion date of March 13, 2020; however, applicant seeks an extension of its construction permit expiration date due to uncertainties with respect to the availability of riggers, winter weather in upstate New York, and lack of Canadian frequency coordination. Given that applicant is still unable to lock in riggers, and the unpredictability of weather this time of year, applicant requests until August 31 to become operational on its post-auction channel (although applicant doubts it will require the full extension period).

Once WVTT-CD is operating on its post-auction channel, it will have to operate at lower power until November 20, 2020, due to Canadian frequency coordination. The FCC's International Bureau has informed us that Canada has not authorized full operation of WVTT-CD until this date.<sup>1</sup>

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.<sup>2</sup> However, due to the anticipated delays with respect to riggers and weather, 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.<sup>3</sup> 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.

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<sup>1</sup> See minor modification (0000088394) filed on 7 November 2019.

<sup>2</sup> 47 C.F.R. § 73.3700(b)(5)(iv).

<sup>3</sup> 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 F2d 1153, 1159 (D.C. Cir. 1969).