

## Request for Brief Extension of Time to Construct WMOW's Full CP Facility

Pursuant to Section 73.3700(b)(5)(iv) of the Commission's Rules, WAOW-WYOW License, LLC (the "licensee" or "applicant"), licensee of WMOW, Crandon, Wisconsin (Fac. ID No. 81503) ("WMOW" 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 WMOW's full post-transition repack CP facility (*see* LMS File No. [0000027451](#)), Rule Section 73.3700(b)(5) authorizes the Media Bureau to grant a "reassigned" station (such as WMOW) 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.

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<sup>1</sup> To the extent necessary, the applicant respectfully requests a waiver of the February 3, 2020, filing deadline for Phase 9 CP extension applications. At that time, the licensee continued to explore possibilities for the completion of the full repack facility by the end of Phase 9, and only in mid-February—*compare* Fourth Quarter Transition Plan Progress Report in LMS File No. [0000096561](#) (responding in the affirmative to "Does the Station anticipate that it will receive all necessary equipment in time to meet the construction deadline for the Station's main facility?" and "Does the Station anticipate that all tower work, including antenna installation, will be completed in time to meet its construction deadline?") to 10-Week Transition Plan Progress Report in LMS File No. [0000106425](#) ("WMOW will terminate pre-auction channel operations by May 1; schedule for final post-auction facility to be ready to commence operations is mid-May, perhaps the week of May 18. CP extension application will be filed soon.")—did the applicant's plans for WMOW definitively result in the need for a CP extension.

From the beginning of the licensee's repack plans for WMOW, the licensee has consistently believed that construction of its full repack facility by the end of Phase 9 was reasonably achievable, albeit challenging given the location of the transmitter site and the potential work that would need to be done to the tower. *See, e.g.*, WMOW Transition Plan Progress Report for Third Quarter 2017 in LMS File No. [0000032171](#) (responding in the affirmative to "Does the Station anticipate that it will receive all necessary equipment in time to meet the construction deadline for the Station's main facility?" and "Does the Station anticipate that all tower work, including antenna installation, will be completed in time to meet its construction deadline?"). Now, a final decision has been made that WMOW will terminate its pre-transition channel operations on the Phase 9 deadline (May 1) and go silent for a period of more than two weeks while the tower is stripped and the antenna and transmission line are replaced. During that time, the transmitter building (which is too small to fit both the pre-transition and post-transition transmitters) will also be gutted and the new, post-transition transmitter will be installed. In other words, while the applicant could have taken the approach that it would require substantial tower reinforcements and building modifications to accommodate both pre-transition and post-transition facility equipment, the applicant instead took a more reasoned and practicable (albeit difficult from a public service and branding perspective) approach (resulting in the savings of hundreds of thousands of dollars in reimbursement funds) to simply take the station silent for a period of a few weeks while the equipment switch-outs are undertaken.

In short, the proximate cause affecting the licensee's ability to fully construct the final WMOW post-transition facility by the Phase 9 deadline is the delay in construction due to the inability to reasonably, efficiently, and cost-effectively co-locate the Station's post-transition equipment with the Station's pre-transition equipment to allow for a "flash cut" on May 1, which is the type of situation referred to in Section 73.3700(b)(5)(ii)(D). Thus, the licensee's transition plan for WMOW is to (i) cease pre-transition operations and go silent on the Phase 9 transition deadline and (ii) complete WMOW's final transition as soon as practicable after the Phase 9 deadline.

Because WMOW's transition plan continues to contemplate successful termination of pre-transition channel operations by the Phase 9 deadline, the extension of WMOW's repack CP will not affect the nationwide transition. While the licensee believes that the silent period for WMOW during execution of the final construction steps will be a short-term endeavor of less than one month, this CP extension request respectfully seeks 90 days (i.e., until July 30, 2020)<sup>2</sup> to complete

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<sup>2</sup> At the time this CP extension request is being filed, there is great uncertainty about the impacts of the COVID-19 virus on the general population and on the broadcast industry, including, more specifically, the ability of vendors to timely complete repack work if travel bans are voluntarily implemented by repack vendors or if travel bans are involuntarily imposed by government agencies. Thus, it is plausible that the applicant's request for a 90-day extension (to July 30, 2020) will prove to be too little time to complete the project and that a full 180-day extension (to October 28, 2020) would be more suitable. The applicant does not oppose a grant of a full 180-day extension (to October 28, 2020) for WMOW's repack project.

construction of its full, authorized repack CP facilities in order to factor in some additional time to account for unexpected issues that might arise.

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