

Exhibit Supporting Waiver of Phase Assignment Date

CBS Television Licenses LLC

WJZ-TV Baltimore, Maryland

Facility ID 25455

CBS Television Licenses LLC (ViacomCBS) seeks a waiver of the post-Incentive Auction Transition Phase assignment and corresponding testing dates and construction completion deadlines for WJZ-TV Baltimore, MD (Facility ID 25455) (the “Station”), which is assigned to the Baltimore Designated Market Area (“DMA”). Pursuant to the *Closing and Reassignment Public Notice*, WJZ-TV was assigned to Transition Phase 9 with a Phase Completion Date of May 1, 2020.¹

ViacomCBS has been diligently working toward completion of the required repack and, until recently, has been on schedule as detailed below. However, construction of the Station’s post-transition facility² was just derailed by circumstances beyond its control, most notably the public health precautions and travel restrictions being taken to prevent the spread of the novel coronavirus known as COVID-19. Therefore, *ViacomCBS* now must request modification of the Station’s transition phase assignment to Phase 10, with a completion date of July 3, 2020. This change would extend the current construction period by nine weeks.

The Commission recently indicated that stations like WJZ-TV whose “...transition is delayed due to circumstances related to the COVID-19 pandemic will be granted a waiver of the phase 9 deadline and reassignment to phase 10...”³ Further, the Commission indicated that it would evaluate waiver requests on a case-by-case basis by considering impact to other broadcasters, viewers, and the transition schedule.⁴ The *Transition Scheduling Adoption Public Notice* permitted stations to propose “alternative transition solutions that could create efficiencies,” and held that a request to modify a station’s transition deadline would be viewed

¹ *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Red 2786 (WTB & MB 2017) (“*Closing and Channel Reassignment Public Notice*”).

² See Construction Permit file number 0000032917.

³ *Guidance for Stations in Phase 9 of the Post-Incentive Auction as a Result of the Novel Coronavirus (COVID-19) Pandemic*. Public Notice DA 20-282, Released: March 17, 2020

⁴ *Transition Scheduling Adoption Public Notice*, para. 49-51.

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favorably if the request is “otherwise compliant with [FCC] rules and [has] little or no impact on the phase assignments or transition schedule.”⁵ The FCC may grant a waiver for good cause shown.⁶ In considering a waiver, the FCC may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁷ Such a waiver is generally appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁸ As demonstrated below, Station’s instant request qualifies for such favorable treatment.

Collocated WJZ-TV, WBAL-TV and WMAR-TV (the “TTI Stations”, all Baltimore, MD), have made Herculean efforts to institute a safety plan intended to protect employees, visitors, and vendors whose only access to the facility is via an access roadway that passes directly underneath one of the massive tower’s candelabra arms. The preliminary phase of this plan was completed on-time and all necessary antennas, transmitters, and tower hardware is on-site.

The Coast to Coast Tower Service, Inc. (“CtC”) crew was scheduled to arrive in Baltimore on March 12 for many weeks of work required to meet the Phase 9 transition. The TTI Stations all plan to initiate post-transition operations with new, interim antennas that are now on the ground ready for CtC to install.⁹ Instead, twenty-four hours after their initially scheduled arrival date, CtC advised they were suspending field operations for at least two-weeks due to health

⁵ *Incentive Auction Task Force and Media Bureau Adopt a Post-Incentive Auction Transition Scheduling Plan*, MB Docket No. 16-306 and GN Docket No. 12-268, 32 FCC Rcd 890, 913 ¶ 51 (MB 2017) (*Transition Scheduling Adoption Public Notice*), citing *Incentive Auction Task Force and Media Bureau Seek Comment on Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 31 FCC Rcd 10802 (MB 2016) (*Transition Scheduling Proposal Public Notice*).

⁶ 47 C.F.R. § 1.3.

⁷ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

⁸ *Northeast Cellular*, 897 F.2d at 1166.

⁹ Complexity of necessary tower work required the TTI Stations to install their primary antennas *after* the Phase 9 deadline. See WJZ-TV’s Construction Permit Extension request, FCC file 0000099867, which remains pending. Although it is hoped to be unnecessary, if the Commission grants a WJZ-TV change to Phase 10, out of the abundance of conservatism, we also seek to revise the extension to 180 days beyond the Phase 10 completion date.

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and safety concerns relating to COVID-19. Without CtC's work, the necessary antennas will remain on the ground and the TTI Stations cannot move forward.

CtC's position is far from unique. Transmitter manufacturer GatesAir has expressed similar concerns regarding the availability of transmitter installation crews required before WJZ-TV can begin post-transition operations. *ViacomCBS* is also limiting staffing in Baltimore as a consequence of this pandemic.

ViacomCBS believes that disruption from a phase change to area viewers will be minimal. The TTI Stations are the only full-power stations in the DMA now scheduled for Phase 9. Since they include the highly watched CBS, ABC, and NBC affiliates in the DMA and all are facing identical repack logistical challenges, a critical mass of viewers will benefit from consistent on-air education efforts specifying a common transition date, whatever it may be. This will ensure that WJZ-TV viewers will be well informed of the modified transition schedule.

WJZ-TV is one of six stations in a linked-station-set. All of WJZ-TV's immediate upstream and downstream neighbors are in agreement to relocate in Phase 10. Preliminary discussions with representatives of the other linked stations indicated that some are also facing COVID-19 problems and will therefore have no choice. Most of the others have already informally agreed to the delay as well. A review of data in the Current Transition Files revealed no additional Phase 10 dependencies.

As explained above, through no fault of *ViacomCBS*, it is believed that the work required to transition the WJZ-TV facility to channel 11 cannot be completed until after the Phase 9 completion deadline. By modifying the WJZ-TV transition phase, the Station will continue to serve viewers without interruption. Therefore, it is believed that the requested delay from Phase 9 to Phase 10 is consistent with the public interest.