Federal Communications Commission
Washington, D.C. 20554

April 16, 2020

WAOW-WYOW License, LLC
P.O. Box 909
Quincy, IL 62306
bdreasler@quincymedia.com

Re: Request for Modification and
Waiver of Phase Assignment
WMOW(TV), Crandon, WI
Facility ID No. 81503
LMS File No. 0000111921

Dear Licensee,

On April 9, 2020, WAOW-WYOW License, LLC (Licensee), the licensee of the WMOW(TV), Crandon, Wisconsin, (Station or WMOW), filed a *Request for Modification and Waiver of Phase Assignment* requesting to modify the post-incentive auction transition phase assigned to the Station in the *Closing and Channel Reassignment Public Notice* from Phase 9 to Phase 10 due to circumstances related to the COVID-19 pandemic.[1] We grant the Licensee's request for waiver and modify the Station's phase assignment to Phase 10, as conditioned herein.

On March 17, 2020, the Commission issued guidance to all repacked stations assigned to Phase 9, noting that the Centers for Disease Control and Prevention is closely monitoring an outbreak of respiratory illness COVID-19 caused by a novel coronavirus, the World Health Organization classified it as a pandemic, and the President declared it a national emergency. The guidance stated that any station scheduled to complete its transition in phase 9 that believes it may be unable to meet the May 1, 2020, deadline will be granted a waiver of the phase 9 deadline and reassignment to phase 10, which begins on May 2, 2020, and ends on July 3, 2020.[2]

The Licensee's request to modify the phase assignment for the Station to transition to its post-auction channel due to circumstances related to the COVID-19 pandemic satisfies the requirement for a waiver pursuant to the March 17, 2020, guidance and is in the public interest. WMOW is part of Linked-Station Set 68 and is directly upstream of station WLUK-TV, Green Bay, Wisconsin (WLUK) and is directly downstream of WNMU(TV), Marquette, Michigan (WNMU). It must therefore transition at the same time as or before WLUK-TV and the same time as or after WNMU in order to prevent any increased levels of temporary pairwise interference beyond two percent.[3] WLUK-TV and WNMU are

[1] *See 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*, GN Docket No. 12-268 et al., Public Notice, 32 FCC Rcd 2786 (WTB & MB 2017) (*Closing and Channel Reassignment Public Notice*).

[2] *Guidance for Stations in Phase 9 of the Post-Incentive Auction Transition as a Result of the Novel Coronavirus (COVID-19) Pandemic*, MB Docket No. 16-306 and GN Docket No. 12-268, Public Notice, DA 20-282 (IATF & MB, Mar. 17, 2020).

[3] *See 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, Public Notice, 32 FCC Rcd 890, 897, para. 16 (IATF & MB 2017) (allowing temporary increased pairwise (station-to-station) interference of up to two percent during the transition period).

simultaneously being granted a modification of its phase assignments from Phase 9 to Phase 10.[4] Consistent with WMOW's existing coordination obligations, the Licensee is required to continue to coordinate its transition with WLUK-TV and WNMU. Staff has confirmed that changing the Station's transition phase to Phase 10 will not create any new linked-station sets or increased temporary pairwise interference beyond two percent. In order to provide flexibility to the Station to complete its transition, we waive our requirement that WMOW may not commence testing or operation on its post-auction channel until the Phase 10 testing period start date (May 2, 2020).[5]

Accordingly, we **GRANT** the Licensee's *Request for Modification and Waiver of Phase Assignment* and modify the transition phase assignment for the Station **from Phase 9 to Phase 10**, subject to all the commitments made in its waiver request, the requirement to continue to coordinate with WLUK-TV and WNMU, and compliance with all other Rules applicable to transitioning stations.[6] Subject to coordination with both WLUK-TV and WNMU, testing on the Station's post-auction channel **may begin immediately**. The Station is required to cease operating on its pre-auction channel **no later than 11:59 pm local time on July 3, 2020**.[7] The Station's construction permit expiration date will also be modified to correspond to the new phase completion date set forth in this letter.[8]

[4] LMS File Nos. 0000112124 (WNMU) and 0000112252 (WLUK-TV).

[5] 47 CFR § 1.3 (waiver for good cause shown). A waiver is appropriate where 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 Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969). *See infra* note 7. Prior to the Station ceasing operation on its pre-auction channel and commencing permanent operations on its post-auction channel, we remind the Licensee of its obligations under the Commission's consumer education and MVPD notification rules. *See* 47 CFR §§ 73.3700(c) and (d).

[6] *See generally* 47 CFR § 73.3700 and *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, MB Docket No. 16-306 and GN Docket No. 12-268, Public Notice, 33 FCC Rcd 8240 (IATF & MB 2018).

[7] Each transition phase has a testing period during which a station in that phase may begin testing equipment on its new channel and a phase completion date on which a station must cease operation on its pre-auction channel. The phase completion date is the date that will be listed in that station's construction permit as its construction deadline and is the date the station must cease operation on its pre-auction channel. *See Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2806, para. 64. A station that commences testing on its post-auction channel before the beginning of its assigned testing period as modified herein will be operating in violation of Commission rules.

[8] *Id.* ("The phase completion date is…[also] the date listed in each station's construction permit as its construction deadline"). If a station must commence operations on its post-auction channel at variance from the parameters authorized in its construction permit, it must file for and be granted special temporary authority prior to commencing operations. *See* 47 CFR § 73.1635. A station that needs additional time to complete construction of its post-auction facility beyond its construction permit expiration date must file for a 180-day extension of its construction permit in accordance with Section 73.3700(b)(5)(iv). Stations needing additional time to construct after a 180-day extension is granted, will be subject to the Commission's tolling provisions. 47 CFR § 73.3700(b)(5)(iv). Grant of an extension of time to construct does not relieve a station of the requirement that it ceases operation on its pre-auction channel by its assigned phase completion date.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Cc (via electronic mail):
Stephen Hartzell, Esq.