Federal Communications Commission
Washington, D.C. 20554

March 31, 2020

WFMY Television, LLC
Denise Branson
TEGNA Inc.
8350 Broad Street, Suite 2000
Tysons, VA 22102
dbranson@TEGNA.com

Re: Request for Modification and
Waiver of Phase Assignment
WFMY-TV, Greensboro, NC
Facility ID No. 72064
LMS File No. 0000110566

Dear Licensee,

On March 31, 2020, WFMY Television, LLC (the Licensee), the licensee of the WFMY-TV, Greensboro, North Carolina (Station or WFMY-TV), 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. WFMY-TV is part of Linked-Station Set 66 and is directly downstream of station WGHP(TV), High Point, NC (WGHP). It must therefore transition at the same time as or after WGHP in order to prevent any increased levels of

[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).

temporary pairwise interference beyond two percent.[3] Consistent with WFMY-TV's existing coordination obligations to coordinate with WGHP, to the extent WGHP requests to be moved from Phase 9 to Phase 10, the Licensee is required to continue to coordinate its transition with WGHP. 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.

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 any linked-stations identified herein, and compliance with all other Rules applicable to transitioning stations.[4] Absent Commission authorization to the contrary, testing on the Station's post-auction channel **may not begin until 12:01 am local time on May 2, 2020**. The Station is required to cease operating on its pre-auction channel **no later than 11:59 pm local time on July 3, 2020**.[5] The Station's construction permit expiration date will also be modified to correspond to the new phase completion date set forth in this letter.[6]

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Cc (via electronic mail): Michael Beder, Esq.

[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).

[4] *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).

[5] 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.

[6] *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.