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***B. W. St. Clair***

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**Request for Extension of Construction Permit  
W18BL-D FI 68911 File # 0000034140  
Displaced to W32EV-D**

George G. Duncan, licensee of W18BL-D, respectfully requests an extension of time to construct the above referenced CP and seeks a Waiver of the 90 day Application Filing Requirement.

Under 47 C.F.R. Para 1.3 of the Commission rules, waivers may be granted for “good cause shown”. This standard requires grant of a waiver when (a) the particular facts make strict compliance inconsistent with the public interest, (b) special circumstances warrant a deviation from the general rule, and (c) such deviation will serve the public interest.

Section 73.3700(b)(4)(iii) requires that stations complete construction of their repack facilities by the close of the phase to which they have been assigned by the Commission.<sup>1</sup> In the 2014 Incentive Auction Report & Order, the Commission also provided that it “will not grant STAs to operate on pre-auction channels past the end of the “39 month post-auction transition period.<sup>2</sup> Under this rule, if a station assigned to Phase 10 of the repack as not completed construction by July 3, 2020, that station “must go dark on its pre-auction channel and cease operations until it finishes construction of its new facilities.<sup>3</sup> Mr. Duncan seeks a waiver of this rule so it can remain on the air on Ch 18 through September 30, 2020 in order to complete construction of the Ch 32 facilities.

Due to circumstances beyond its control, waivers are necessary to ensure that W18BL continue to operate on Ch 18 after the July 3, 2020 cut-off date and extend the Construction Permit for Ch 32. Grant of these Waivers has no adverse effect on any other station and will allow W18BL-D to continue its service to the community including EAS and other public programming of interest. Denial of these Waiver Requests would force Channel 18 to go silent until the Ch 32 equipment can be fully installed and would deny the public local community programming which it is accustomed to as well as EAS service during hurricane/tornado season in eastern Tennessee.

<sup>1</sup> 47 C.F.R. Para 73.3700(b)(4)(iii)

<sup>2</sup> Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Report and Order, 29 FCC Rcd 6567, 6806, Para 584 (2014) (“incentive Auction Report & Order”), aff’d, Nat’l Ass’n of Broadcasters v. FCC, 789 f.3d 165 (D.C. Cir 2015)

<sup>3</sup> See Incentive Auction Report & Order, 29 FC Rcd at 6797, para 564.

The station is in the process of erecting a new tower. This process has been delayed due to the Pandemic associated with Covid-19. The tower steel was near completion at the time in March when many states implemented "Stay At Home Orders". These orders caused the Contractors who are preparing the site with the necessary concrete work for the tower and guy wires to halt movement. The necessary rigging equipment, belonging to the tower contractor, was located at a job site in the Florida Keys. Florida temporarily halted all travel into and out of the Keys until a few weeks ago. The tower steel is currently moving from Kentucky to Tennessee by motor freight as this request is filed.

The Contractor erecting the tower is currently scheduling the necessary ground preparation and concrete work and is moving the necessary equipment to the Tennessee job site.

The transmitter, cable and antennas are all on hand and will be ready and available for installation as soon as the tower work is completed. It's a complex project, as they are erecting a new 300 ft tower next to an existing 200 ft tower so that W18BL-D remains on the air and serving the public while the build out occurs. There is local government emergency communications equipment located on this tower and it is imperative to keep it operational during the build out of Ch 32 and the transition from one structure to the other.

There are no "Upstream or Downstream Dependencies" related to this station. The delay in construction of W32EV-D has no effect on any other station in the area. TVStudy indicates no outgoing interference to any station by allowing Ch 18 to continue broadcasting and indicates a small amount of incoming interference from WZDX to which Mr. Duncan has no objection.

Mr. Duncan is fully committed and expects to have the facility completed by the end of the summer and respectfully requests an extension to September 30, 2020 to allow for any contingencies that might arise during this transition.

Mr. Duncan's request for waiver of the July 3, 2020 construction deadline and allowing Ch 18 to continue operation show "good cause" and circumstances that were beyond the Applicant's control, as the country was dealing with a Pandemic which literally halted commerce for 60 days. While going silent is a possibility it is not in the public interest to enforce the rule and deny this small rural community the local programming they have been accustomed to. Many viewers might be harmed by strict enforcement of the rules in this case and there is no public interest that would be served if W18BL-D was forced to go silent. The hard deadline of July 3, 2020 was adopted to serve two purposes; swift repurposing of the former broadcast band and the statutory limitations enacted by Congress.<sup>4</sup> Neither of these purposes will be served by enforcing the rules. Ch 18 is not part of the spectrum being freed up for 5G use and Congress subsequently allocated additional time and funding.<sup>5</sup>

<sup>4</sup> Incentive Auction Report & Order, 20 FCC Rcd 6567, 6573 para 11 (2010).

<sup>5</sup> See LPTV, TV Translator, and Fm Broadcast Station Reimbursement, 34 FCC Rcd 1690 (2019).

The Commission has several alternatives for stations that were unable to meet the end of their deadline or the end date of the repack. One such alternative is to operate on the station's post -auction channel at reduced power or select a vacant channel for STA operation. The current tower does not allow for any additional antennas or equipment so it is not feasible to install a new Ch 32 antenna on the existing tower. As of July 3, 2020 Channel 18 will become a vacant channel in the area. TVStudy confirms that it will not cause any interference to any other station and would negate the need to purchase an antenna and transmitter for temporary use on another vacant channel in order to remain on the air. In effect, Mr. Duncan is seeking to operate on Ch 18 (as if it were a vacant channel) until the construction of Ch 32 is completed. Because it is the pre-auction channel, we seek permission to its continued use.

As outlined above, Mr. Duncan requests that the Commission swiftly grant the necessary waivers and permit W18BL-D continued operation until September 30, 2020

Respectfully submitted,  
Susan Hansen  
Consultant  
June 17, 2020

tvstudy v2.2.5 (4uoc83)  
Database: localhost, Study: BLDTA20110429ABP, Model: Longley-Rice  
Start: 2020.06.17 14:45:37

Study created: 2020.06.17 14:45:37

Study build station data: LMS TV 2020-06-03

Proposal: W18BL-D D18 DC LIC ADAMSVILLE, TN  
File number: BLDTA20110429ABP  
Facility ID: 68911  
Station data: LMS TV 2020-06-03  
Record ID: 1b79879bc4c34bfc8989cf6212b6c0ea  
Country: U.S.

Stations potentially affected by proposal:

IX	Call	Chan	Svc	Status	City, State	File Number	Distance
No	WAAY-TV	D17	DT	LIC	HUNTSVILLE, AL	BLANK0000071637	176.8 km
No	WKMU	D17	DT	LIC	MURRAY, KY	BLANK0000087481	162.7
No	WEPH	D17	DT	LIC	TUPELO, MS	BLANK0000062855	172.8
Yes	WZDX	D18	DT	LIC	HUNTSVILLE, AL	BLANK0000108705	176.8
No	WBMM	D18	DT	LIC	TUSKEGEE, AL	BLANK0000081490	417.7
No	KMYA-DT	D18	DT	CP	CAMDEN, AR	BLANK0000028486	453.5
No	KMYA-DT	D18	DT	BL	CAMDEN, AR	DTVBL86534	453.5
Yes	KVTJ-DT	D18	DT	LIC	JONESBORO, AR	BLANK0000064048	198.6
No	WUVG-DT	D18	DT	LIC	ATHENS, GA	BLANK0000081094	402.3
No	WAWV-TV	D18	DT	LIC	TERRE HAUTE, IN	BLANK0000087258	453.9
No	WKYU-TV	D18	DT	LIC	BOWLING GREEN, KY	BLEDT20040803AAG	267.7
No	WPXK-TV	D18	DT	LIC	JELLICO, TN	BLANK0000081463	409.9
No	WHNT-TV	D19	DT	LIC	HUNTSVILLE, AL	BLCDDT20111118C0Z	176.8
No	WPSD-TV	D19	DT	CP	PADUCAH, KY	BLANK0000027223	224.2
No	WPSD-TV	D19	DT	BL	PADUCAH, KY	DTVBL51991	224.2

No non-directional AM stations found within 0.8 km

No directional AM stations found within 3.2 km

Record parameters as studied:

Channel: D18  
Mask: Simple  
Latitude: 35 14 5.20 N (NAD83)  
Longitude: 88 22 35.10 W  
Height AMSL: 203.0 m  
HAAT: 0.0 m  
Peak ERP: 15.0 kW  
Antenna: SCA-SL-8 (ID 23503) 110.0 deg  
Elev Pattn: Generic

49.1 dBu contour:

Azimuth	ERP	HAAT	Distance
0.0 deg	6.34 kW	68.6 m	36.3 km
45.0	10.1	54.7	36.1
90.0	14.4	82.8	42.4
135.0	14.4	76.8	41.5
180.0	9.13	70.6	38.3
225.0	6.34	54.3	33.8
270.0	7.35	58.1	35.3
315.0	6.94	46.1	32.2

Database HAAT does not agree with computed HAAT  
Database HAAT: 0 m Computed HAAT: 64 m

Distance to Canadian border: 868.9 km

Distance to Mexican border: 1313.3 km

Conditions at FCC monitoring station: Powder Springs GA  
Bearing: 113.5 degrees Distance: 367.5 km

Proposal is not within the West Virginia quiet zone area

Conditions at Table Mountain receiving zone:  
Bearing: 295.1 degrees Distance: 1575.4 km

No land mobile station failures found

Proposal is not within the Offshore Radio Service protected area

Study cell size: 2.00 km  
Profile point spacing: 1.00 km

Maximum new IX to full-service and Class A: 0.50%  
Maximum new IX to LPTV: 2.00%

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Interference to BLANK0000108705 LIC scenario 1

Desired:	Call WZDX	Chan D18	Svc DT	Status LIC	City, State HUNTSVILLE, AL	File Number BLANK0000108705	Distance			
Undesireds:	W18BL-D	D18	DC	LIC	ADAMSVILLE, TN	BLDTA20110429ABP	176.8 km			
	WBMM	D18	DT	LIC	TUSKEGEE, AL	BLANK0000081490	301.6			
	KVTJ-DT	D18	DT	LIC	JONESBORO, AR	BLANK0000064048	375.0			
	WUVG-DT	D18	DT	LIC	ATHENS, GA	BLANK0000081094	226.4			
	WKYU-TV	D18	DT	LIC	BOWLING GREEN, KY	BLEDT20040803AAG	258.8			
	WPXK-TV	D18	DT	LIC	JELICO, TN	BLANK0000081463	274.1			
	WHNT-TV	D19	DT	LIC	HUNTSVILLE, AL	BLCDDT20111118C0Z	0.2			
Service area		Terrain-limited			IX-free, before		IX-free, after	Percent New IX		
36453.2	1,596,771	34408.2	1,514,654		32759.1	1,448,074	32723.1	1,447,424	0.11	0.04
Undesired				Total IX		Unique IX, before		Unique IX, after		
W18BL-D	D18	DC	LIC	63.9	1,384		35.9	650		
WBMM	D18	DT	LIC	32.0	3,770		8.0	267		
KVTJ-DT	D18	DT	LIC	11.9	413		11.9	413		
WUVG-DT	D18	DT	LIC	1064.2	45,463		699.5	29,437		
WKYU-TV	D18	DT	LIC	108.8	6,105		32.1	1,271		
WPXK-TV	D18	DT	LIC	672.6	29,241		271.7	9,274		
WHNT-TV	D19	DT	LIC	216.9	5,844		216.9	5,844		

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Interference to BLANK0000064048 LIC scenario 1

Desired:	Call KVTJ-DT	Chan D18	Svc DT	Status LIC	City, State JONESBORO, AR	File Number BLANK0000064048	Distance			
Undesireds:	W18BL-D	D18	DC	LIC	ADAMSVILLE, TN	BLDTA20110429ABP	198.6 km			
	WZDX	D18	DT	LIC	HUNTSVILLE, AL	BLANK0000108705	375.0			
	KMYA-DT	D18	DT	CP	CAMDEN, AR	BLANK0000028486	327.5			
	KFSM-TV	D18	DT	LIC	FORT SMITH, AR	BLCDDT20060530AIM	329.0			
Service area		Terrain-limited			IX-free, before		IX-free, after	Percent New IX		
26764.8	1,466,426	26732.8	1,465,802		26716.8	1,465,660	26716.8	1,465,660	0.00	0.00
Undesired				Total IX	Unique IX, before		Unique IX, after			
W18BL-D	D18	DC	LIC	4.0	31			0.0	0	
WZDX	D18	DT	LIC	4.0	31	4.0	31	0.0	0	
KMYA-DT	D18	DT	CP	4.0	21	4.0	21	4.0	21	
KFSM-TV	D18	DT	LIC	8.0	90	8.0	90	8.0	90	

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Interference to BLANK0000064048 LIC scenario 2

Desired:	Call KVTJ-DT	Chan D18	Svc DT	Status LIC	City, State JONESBORO, AR	File Number BLANK0000064048	Distance
Undesireds:	W18BL-D	D18	DC	LIC	ADAMSVILLE, TN	BLDTA20110429ABP	198.6 km
	WZDX	D18	DT	LIC	HUNTSVILLE, AL	BLANK0000108705	375.0
	KMYA-DT	D18	DT	BL	CAMDEN, AR	DTVBL86534	327.5
	KFSM-TV	D18	DT	LIC	FORT SMITH, AR	BLCDDT20060530AIM	329.0
Service area		Terrain-limited		IX-free, before		IX-free, after	Percent New IX
26764.8	1,466,426	26732.8	1,465,802	26716.8	1,465,660	26716.8	1,465,660
Undesired				Total IX	Unique IX, before	Unique IX, after	
W18BL-D	D18 DC LIC	4.0		31		0.0	0
WZDX	D18 DT LIC	4.0		31	4.0 31	0.0	0
KMYA-DT	D18 DT BL	4.0		21	4.0 21	4.0	21
KFSM-TV	D18 DT LIC	8.0		90	8.0 90	8.0	90

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Interference to proposal scenario 1  
2.08% interference received

Desired:	Call W18BL-D	Chan D18	Svc DC	Status LIC	City, State ADAMSVILLE, TN	File Number BLDTA20110429ABP	Distance
Undesireds:	WZDX	D18	DT	LIC	HUNTSVILLE, AL	BLANK0000108705	176.8 km
	KVTJ-DT	D18	DT	LIC	JONESBORO, AR	BLANK0000064048	198.6
Service area		Terrain-limited			IX-free	Percent IX	
4368.9	83,461	4329.0	83,257		4156.8	81,527	3.98 2.08
Undesired				Total IX	Unique IX	Prct Unique IX	

WZDX D18 DT LIC	140.2	1,526	132.2	1,475	3.05	1.77
KVTJ-DT D18 DT LIC	40.0	255	32.0	204	0.74	0.25

## **Clear Choice Engineering Group LLC.**

213 Murano Drive #213

West Melbourne, Florida 32904

Phone (305)-797-0787 Fax (305)-744-4407

EIN 20-8452131



### **Declaration of Joseph Lassiter**

1. My name is Joseph Lassiter and I am the Member/Manager of Clear Choice Engineering Group, LLC.
2. Clear Choice Engineering Group, LLC (Clear Choice) has been contracted to manage the build out of the tower, move equipment from the old tower to the new and dismantle the existing tower for Mr. George Duncan, Owner of W18BL.
3. On January 27, 2020 I traveled to Adamsville, TN with the principle of Excel Broadcast Tower Services, Inc. and conducted a complete site survey.
4. Tower steel was ordered on February 14, 2020 and was initially ready for delivery on March 5, 2020. Final payment was then forwarded to the company providing the steel.
5. During March Excel Broadcast Tower Services, Inc. (Excel) was engaged in a tower project in the Florida Keys. Due to the rise of the Corona Virus Pandemic (Covid-19), Excel was required to cease the installation in the Keys as of April 1, 2020.
6. All travel into and out of the Florida Keys was halted from April 1, 2020 to June 1, 2020. Excel had tower rigging equipment located in the Keys that they were unable to move until after June 1, 2020.

7. It became apparent that the time line to build the tower and transition W18BL-D to Ch 32 would not be completed by the July 3, 2020 deadline.
8. Excel required time to complete the job in Florida and is preparing to transition the tower rigging equipment to Tennessee during the week of June 22, 2020.
9. Excavating work needs to be completed to pour foundations for the tower and guy wires. It is currently being scheduled and is subject to weather delays.
10. The tower steel has been picked up by truck and is moving to Tennessee the week of June 22, 2020.
11. The Applicant, Mr. George Duncan, has the transmitter on hand and the antenna is being held at the manufacturer until such time as it can be moved to the site and installed.
12. Delays caused by the Pandemic and various States issuing "Stay at Home Orders" have caused setbacks beyond my control.
13. I have reviewed the need for a Waiver Request to allow W18BL to continue operating on Ch 18 after July 3 and the Waiver Request for Late Filing of the Application.
14. I declare under Penalty of Perjury that the foregoing to true and correct.

A handwritten signature in black ink, appearing to read "Joseph D. Lassiter", written over a horizontal line.

Joseph D. Lassiter  
Member/Manager  
Clear Choice Engineering Group, LLC