



Federal Communications Commission
Washington, D.C. 20554

July 27, 2020

Connecticut Public Broadcasting, Inc.
Meg Sakellarides
1049 Asylum Avenue
Hartford, CT 06105
msakellarides@cptv.org
(via electronic mail)

Re: Request for Tolling
WEDW(TV), Stamford, CT
Facility ID No. 13594
LMS File No. 0000117669

Dear Licensee,

On July 13, 2020, Connecticut Public Broadcasting, Inc. (CPB), the licensee of WEDW(TV), Stamford, Connecticut (WEDW or Station), filed the above-referenced request for tolling of the Station's construction permit expiration date. For the reasons below, we grant CPB's request and toll the expiration date of WEDW's construction permit to January 23, 2021.

Background. Pursuant to section 73.3700(b)(5) of the Commission's rules (Rules), a station that was assigned a new channel as a result of the Commission's incentive auction and repacking process may request a single extension of its construction permit deadline of up to 180 days to complete construction of its post-auction facility.¹ All subsequent requests for additional time to construct are subject to the Commission's tolling provisions of section 73.3598(b) of the Rules.² The Commission's tolling provisions provide that a construction permit deadline may be tolled under specific circumstances such as acts of God, delays due to administrative or judicial review, or construction that is delayed by any cause of action pending before a court of competent jurisdiction relating to any necessary local, state, or federal requirement for the construction or operation of the station, including any zoning or environmental requirement.³

CPB requests tolling of its construction permit for its post-incentive auction channel facilities to January 23, 2021. WEDW is currently operating on its post-auction channel using an interim facility while it completes construction of its post-auction channel facilities.⁴ WEDW was previously granted a construction permit extension and tolling through July 27, 2020.⁵

CPB has been authorized to construct a Distributed Transmission System with two transmitter sites. While CPB has commenced operation from one of its transmitter sites, the grant of the construction permit for the second site has been the subject of an unresolved administrative proceeding. Currently pending before the Commission is an Application for Review filed by PMCM TV, LLC objecting to the

¹ See 47 CFR § 73.3700(b)(5).

² See 47 CFR § 73.3700(b)(5)(i) citing 47 CFR § 73.3598(b).

³ *Id.*

⁴ See LMS File No. 0000117670. WEDW was repacked from channel 49 to channel 21.

⁵ See LMS File Nos. 0000077939 and 0000093844.

Commission's grant of the DTS application and the Media Bureau's decision below affirming the grant..⁶ Therefore, pursuant to Section 73.3598(b)(ii) of the rules, CPB requests that the expiration date of its construction permit be tolled.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to toll the expiration date of the Station's construction permit.⁷ CPB did not complete construction of its post-auction channel facilities due to a pending administrative appeal of the initial grant of its construction permit. We also find that grant of CPB's tolling request is not likely to negatively impact the overall transition schedule and will not cause interference to other stations. WEDW has already ceased operation on its pre-auction channel and is operating from an interim facility on its DTS site #1 on its post-auction channel. To the extent some viewers are unable to receive WEDW's signal while it operates using its interim facility, we believe that CPB has every incentive to ensure viewers are fully informed about the Station's transition plan. Ultimately, we conclude that the public interest will be served by tolling of the Station's construction permit.

We remind CPB that pursuant to the Spectrum Act, the Station is eligible for reimbursement from the TV Broadcast Relocation Fund (Fund) of costs "reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other."⁸ Additional expenses incurred, such as expenses resulting from changes in a Station's transition plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund.

We further remind CPB that the Commission has stated that the Bureau may announce a deadline for the submission of final expense documentation for reimbursement well before the statutory deadline of July 3, 2023.⁹ Thus, we strongly encourage the Station to diligently pursue satisfaction of the current deadlines to improve the chances that there will be sufficient funds available to reimburse the Station for its legitimate repacking expenses, and we encourage CPB to submit eligible invoices as soon as practicable.

The above facts considered, Connecticut Public Broadcasting, Inc.'s request for tolling **IS GRANTED**.¹⁰ The construction permit (LMS File No. 0000036047) for WEDW, Stamford, Connecticut, **IS TOLLED to January 23, 2021**. Grant of tolling does not permit WEDW to recommence operation on its pre-auction channel. We also remind CPB that any subsequent requests for tolling of its

⁶ See Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau to Connecticut Public Broadcasting, Inc., (June 12, 2019), LMS File No. File No. 0000036047.

⁷ 47 CFR § 73.3598(b).

⁸ 47 U.S.C. § 1452(b)(4)(A)(i). See also *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268 et. al., Report and Order, 29 FCC Rcd 6567, 6821, para. 622 (2014) (*Incentive Auction R&O*), aff'd, Nat'l Ass'n of Broadcasters v. FCC, 789 F.3d 165 (D.C. Cir. 2015) ("The appropriate scope of 'costs reasonably incurred' necessarily will have to be decided on a case-by-case basis.").

⁹ See *id.* at 6567, para. 616; *LPTV, TV Translator, and FM Broadcast Station Reimbursement; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, MB Docket 18-214 and GN Docket No. 12-268, Report and Order, 34 FCC Rcd 1690, 1739, para. 105 (2019). See also *Incentive Auction Task Force and Media Bureau Report on the Status of the Post-Incentive Auction Transition and Reimbursement Program et al.*, MB Docket No. 16-306 and GN Docket No. 12-268, Public Notice, 34 FCC Rcd 304, 312, para. 23 and n.35 (IATF/MB 2019).

¹⁰ Our action here is not meant to prejudge or reflect any Bureau position on the open adjudicatory proceeding.

construction permit deadline will be subject to the Commission's tolling provisions.¹¹

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail):
Melodie A. Virtue, Esq.
Attorney of Record

¹¹ See 47 CFR § 73.3598(b).