

Reasons Beyond Licensee's Control for Tolling of Construction Permit

WDEF-TV, Inc., licensee of WDEF-TV, Chattanooga, Tennessee, is hereby seeking waiver of the Commission's tolling provisions and tolling of its construction permit for repack facilities, File No. 0000026651. That construction permit, as extended, now has an expiration date of December 30, 2020.

WDEF-TV had initially believed that would be able to construct its final facilities by its Phase 10 deadline, but it became clear that the delays created by work and travel restrictions mandated as a part of the response to the COVID-19 pandemic would make it impossible to complete construction of its construction permit facilities by the phase deadline. That construction work will involve removing its current antenna and replacing it with a new antenna at the same height, which in turn requires WDEF-TV either to strengthen the supporting tower in order to bring it into compliance with current building codes and safety standards or to replace the tower altogether. The initial COVID-19 restrictions meant that engineers could not visit the tower site to determine whether reinforcement or replacement would be the best course of action, not could tower workers travel to the site to undertake any significant work. Consequently, WDEF-TV sought and was granted an extension of its construction permit.

Nonetheless, because WDEF-TV was a part of a group of linked stations, it was still necessary for the station to change channels by the Phase 10 deadline. Accordingly, WDEF-TV requested and was granted special temporary authority to operate on its new channel from a smaller tower immediately adjacent to its licensed tower. Concurrently herewith, WDEF-TV is seeking an extension of that STA.

Following the grant of an extended construction permit, while the travel restrictions loosened sufficiently to allow planning to move forward, continuing off-and-on shutdowns in various states, as well as backlogs in accumulated work to be done, have resulted in manufacturing delays for both the steel needed for the tower and for the antenna itself. Additionally, because of the delay in the manufacturing of the reinforcement steel, the tower crew was diverted to other jobs until the steel could be ready. Moreover, it was impossible to schedule a date for the tower crew until it was known when the steel would be delivered. These further delays have made it impossible for WDEF-TV to complete construction of its new facilities as authorized by the repack construction permit by the current deadline. Accordingly, tolling of the construction permit is hereby being sought.

WDEF-TV currently anticipates that the steel need to complete the tower reinforcements and the new antenna will to be on-site on January 6, 2021. The tower crew is scheduled arrive on January 4, 2021 to set up and rig the tower to move forward with the tower modifications. It is anticipated that this process and antenna installation will take about four weeks. Of course, in light of the station's location in Tennessee and the time of year, some delays due to icy weather can also be expected, although the extent of any such delays cannot be predicted with any degree of certainty at this time. Nonetheless, WDEF-TV believes that the construction of the new facilities can be completed in no more than 90 days after the current deadline, and perhaps in as few as 60 days after that date. In light of these circumstances, waiver of the Commission's tolling provisions and tolling of the WDEF-TV construction permit for a period of 90 days is hereby requested. Grant of this request will allow WDEF-TV to move forward with construction of its full-power facilities as quickly as possible to improve service

to the public and replicate its prior service. Since WDEF-TV is already operating on its post-repack channel, this tolling will not adversely affect the overall transition or create any detriment to other stations.