

WCFE-TV – Request for Extension of Repack STA and Tolling of Repack CP

Mountain Lake Public Telecommunications Council, licensee of noncommercial educational TV station WCFE-TV, Plattsburgh, New York (“WCFE”), requests (a) extension of its repack STA to permit continued operation and service to the public and (b) tolling of its repack construction permit to allow more time to complete construction of its permanent post-auction facilities. *See* 47 C.F.R. Section 73.3598(b).¹ WCFE requests until October 4, 2021 for its STA and to complete construction.

WCFE was assigned to transition from Channel 38 to Channel 36 in Phase 7 of the repack pursuant to the Closing and Reassignment Public Notice, with a completion date of January 17, 2020.² WCFE requested and was granted re-assignment to Transition Phase 10, with a construction deadline in early July 2020. WCFE met the 39-month repack deadline for vacating its pre-transition channel using an interim transmitter, but it needs the construction permit for the main transmission facility extended or tolled.³

As set forth in other filings for WCFE and its repack, WCFE’s repack plan called for, among other things, replacement of the station’s main transmitter at the station’s mountaintop tower site near the top of Averill Peak on Lyon Mountain in the Adirondack Mountains, approximately 3700 feet above sea level. The site is remote; it is accessible by a single rough “hiking” trail and cannot be accessed by highway vehicles. There is a small helicopter pad near the site. Knowing the site access issues, WCFE began working with vendors on site access for repack work back in 2018. Unfortunately, the trail is extremely treacherous to navigate, even for a UTV, and especially for heavy vehicles or with heavy equipment. As an alternative to using parts of the existing trail, WCFE attempted to secure an easement from an adjoining landowner to allow parts of a new trail (with switchbacks) for WCFE to access its tower site, but the landowner would not grant such easement. Even if it had secured an easement, in order to access its tower site WCFE would also have needed to secure approval from Adirondack Park, part of the New York Forest Preserve. Moreover, the snowpack on the mountain trail in the past few winters has not been sufficient to allow site access using a snow cat. Therefore, WCFE revised its repack plan to accommodate a combination of trail improvement and helicopter use to bring equipment

¹ This request has been filed fewer than 90 days before WCFE’s current construction deadline. WCFE was not able to file this request until now. WCFE thus respectfully requests a waiver of 47 C.F.R. § 3700(b)(5)(iv). WCFE has noted these issues in its recent repack progress reports and through informal contacts with FCC staff, so the FCC staff has been aware of WCFE’s circumstances.

² *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (WTB & MB 2017).

³ *See* LMS File No. 87629.

and work crews to the remote mountaintop site to ensure safe and reliable access to the site for the necessary repack work.

After being reassigned to Phase 10, WCFE updated its Form 399 and sought funds to improve the trail so that the repack work could occur in Spring/Summer 2020. However, in late February 2020, the Reimbursement Fund Administrator questioned WCFE's main transmitter size, its building size and building plans for the new transmitter, its plans to improve the trail for better site access for repack purposes, and its rationale for not using helicopter access to the site for all repack-related work. WCFE attempted to work with the reimbursement Fund Administrator to resolve these matters and meet WCFE's repack obligations for the July 3 transition deadline and its permanent facilities. Those efforts, however, reached an impasse in early March when the Fund Administrators requested additional written documentation to justify WCFE's approach to its repack and WCFE sought assistance from its engineering consultant to respond to those questions. A world-wide pandemic (COVID-19) intervened, and WCFE was able to provide the requested information to the Fund Administrators during the first part of June 2020.

In the meantime, WCFE was forced to find a way to transition to its new channel using an interim transmitter, which will require reduced power operation. The station worked very hard to transition to its new repack channel before the July 2020 Phase 10 deadline with interim facilities and, was able to make the transition despite the unavailability of reimbursement funds to draw upon for that part of the project.

WCFE was not able to proceed with its permanent post-repack facilities until the Fund Administrator was satisfied with the site access plans and the plans for constructing the permanent, main facility and the Fund Administrator provided the necessary funds. While the Fund Administrators approved the main transmitter costs in June 2020, the Fund Administrators did not approve the other necessary costs to complete the repack project on the mountaintop until a later date.

Once the Fund Administrators approved the revised repack plan and the funds to implement it, WCFE made good progress during the 180-day extension of its construction permit. Specifically, WCFE:

- Removed old transmitter equipment from the building,
- Completed wall construction for the transmitter environment,
- Completed building modifications for the new transmitter's heat exchanger, and
- Installed the new main transmitter and ran a proof of it in late October 2020.
- Transported the auxiliary antenna to the mountain top site in late October 2020.

However, WCFE encountered tower crew scheduling and weather issues that have delayed completion of the project. The tower crew for the auxiliary antenna work was not available until mid-November, at which point adequate and safe weather conditions no longer existed at the mountaintop tower site (as previously noted, the site is virtually inaccessible during the winter time and spring thaw). The work remaining to be done, in the following order, is:

- Remove existing (pre-repack channel) auxiliary antenna and install and sweep the new post-repack antenna to the main switch.
- Connect interim transmitter to auxiliary antenna. (some off-air time required).
- Complete internal RF system modifications/connections to main antenna.
- Sweep main RF system and retune main antenna as required. (some off-air time required).
- Place main transmitter on-air at full power and test, at which time a covering license application can be file for the repack construction permit.

The tower crew for the auxiliary antenna project has been tentatively rescheduled for late April-late May 2021 when conditions at the Adirondacks mountaintop site will likely again be safe for tower work. WCFE plans to revisit the scheduling with the tower crew company in early 2021, as the schedules are not firm due to other tower crew commitments. Thus, WCFE is requesting additional time to allow for changes in tower crew schedules, which cannot be predicted with great accuracy at this time.

For all these reasons, WCFE will not be able to complete buildout of its permanent post-repack facilities by December 30, 2020. Thus, WCFE respectfully requests that its STA for interim operations, and its construction permit for its post-repack facilities (LMS File No. 34025), be extended or tolled until October 4, 2021.