

## **REQUEST FOR EXTENSION OF CONSTRUCTION PERMIT**

This request is being timely filed pursuant to the Commission's Public Notice, released March 4, 2021 ("Media Bureau Reminds Low Power Television and Television Translator Stations of July 13, 2021, Digital Transition Date"), DA 21-260 ("Public Notice").

WYDC, Inc. ("WYDC") is the licensee of analog television station W26BF, Elmira, New York ("Station"), and holds a "flash cut" construction permit to convert the Station to digital operations. WYDC has been diligently pursuing the action of converting the Station to digital for many months; however, due to circumstances beyond its control, WYDC will not be able to meet the July 13, 2021 conversion deadline. Accordingly, WYDC seeks a six-month extension of time to complete that conversion, consistent with the terms of the Public Notice.

In late 2019, WYDC entered into an Asset Purchase Agreement with an unaffiliated third party to assign the Station, among other broadcast stations and assets. An application was filed with the Commission for consent to assign the Station, and the Commission granted that application in February 2020. Unfortunately, due to no fault of WYDC, the transaction did not close and WYDC was left to embark on the process of completing the conversion of the Station to digital. However, the COVID-19 crisis caused significant delays in implementing such construction and interrupted all such planning. In particular, as the Commission is aware, during the pandemic the state of New York has been subject to some of the strictest stay at home orders and broad business closures anywhere in the country. To fully comply with all federal, state and local orders and safety recommendations, WYDC undertook remote working arrangements for nearly all of its staff. And, to maximize safety, nearly all WYDC operations proceeded only on a "mission essential" basis.

For example, WYDC's engineering personnel, who obviously are crucial to the conversion of the Station to digital, were charged only with responding to emergencies, such as ensuring that WYDC's sister stations remained on the air, at full-power, so that those stations could deliver important COVID-19 and other public interest programming to their viewers. The inability of WYDC's engineers to do anything for many months outside of such "mission critical" operations, combined with the large number of business closures, and resulting impact of revenues, made it practically impossible for any non-emergency infrastructure expansion, such as the conversion of the Station to digital, to take place.

In addition, after the parties agreed to not consummate the proposed assignment of the Station, WYDC reached out on several occasions to the owner of the tower on which the Station's transmission facilities are located, to confirm that WYDC had permission to install digital facilities associated with the Station. Unfortunately, WYDC was unable to secure such permission until very recently. In the meantime, WYDC was not able to acquire the necessary digital equipment until it was sure that it could continue operating the Station from its existing tower.

Now that the confirmation from the tower owner has been obtained, WYDC is in the process of securing the necessary digital equipment, and expects to take delivery of that equipment

in the near term. Once the equipment is on site, WYDC expects to expeditiously install it on the tower. However, there could be delays associated with the ongoing pandemic and associated closures.

WYDC is committed to the digital buildout of the Station. However, due to COVID-19 and the other reasons beyond its control as set forth herein, an additional six-month extension of time, until January 15, 2022, is warranted in order to complete the conversion process.