

Request for Extension of Silent Authority and Tolling or Waiver of Construction Deadline

TEGNA Inc. (“TEGNA”), on behalf of its subsidiary WCNC-TV, Inc. (“Licensee”), licensee of displaced low power television translator station W30CR-D, Biscoe, NC (Facility ID 32317) (the “Biscoe Translator”), hereby requests a 60-day extension of the station’s silent authority and tolling or waiver of the station’s construction permit deadline due to supply-chain delays and damage to the station’s transmitter, which has impeded completion of the station’s construction.

The Biscoe Translator serves as a translator for full power station WCNC-TV, Charlotte, North Carolina. The station was required to go silent on September 9, 2019, because it was displaced by the post-Incentive Auction repacking.¹ The Biscoe Translator timely applied for and received a displacement construction permit to construct as W36FB-D.² The construction deadline for this displacement facility is August 22, 2021.

The Video Division recently granted the Biscoe Translator relief from the application of 47 U.S.C. Section 312(g), in recognition of the fact that despite Licensee’s diligent efforts, the station’s construction has been delayed by circumstances outside Licensee’s control, including the effects of the ongoing COVID-19 pandemic.³ Since then, Licensee has made rapid progress in completing the Biscoe Translator’s new facility, despite facing ongoing supply-chain delays. For instance, flex line ordered from Dielectric was delayed by about a week due to a shortage of raw materials, which Licensee understands to stem from the ongoing economic disruptions caused by

¹ See LMS File Nos. 0000081307 and 0000081309 (requests for silent authority granted Sept. 13, 2019). W24AY-D was displaced by the repacking of WCNC-TV from Channel 22 to Channel 24. W30CR-D was displaced by the repacking of WUNU from Channel 31 to Channel 30.

² See LMS File No. 0000054531.

³ See *WCNC-TV, Inc.*, Letter, LMS File Nos. 0000107929 and 0000107931, at 3 (MB Vid. Div. June 17, 2021).

the COVID-19 pandemic. Nonetheless, as of August 22, 2021, Licensee has successfully cleared overgrowth at the transmitter site and has received and installed all necessary equipment, including the station's new antenna, transmission line, and retuned transmitter.

Unfortunately, although Licensee is close to completing construction, Licensee has not yet been able to bring the retuned transmitter online due to the above-described delays and further delays in receiving the retuned transmitter from the manufacturer in Canada. When removing the transmitter in mid-July 2021 for shipment to the manufacturer for retuning, Licensee discovered that the transmitter had failed due to recent damage, likely due to a lightning strike. This damage lengthened the time required to complete the retuning. The manufacturer shipped the transmitter back to Licensee on August 13, 2021, but the shipment was further delayed in customs. Licensee received the transmitter on August 20 and began installation the same day, but although the transmitter's two power amplifiers are putting out RF to the combiner, there is no forward main power showing on the meter going into the filter. Moreover, on August 22, the transmitter site HVAC unit's compressor failed, despite having been serviced and confirmed to be in good working order on August 19 in preparation for the transmitter installation. Without working HVAC, it is unsafe to conduct further testing and troubleshooting of the transmitter. Licensee is working to arrange for the replacement or repair of the HVAC compressor as soon as possible, but it is unlikely the HVAC system can be restored and the transmitter brought online by the end of the day on August 23 (the first business day after the Biscoe Translator's construction permit deadline).

The Commission tolls a construction permit when "[c]onstruction is prevented due to an act of God, defined in terms of natural disasters (e.g., floods, tornados, hurricanes, or

earthquakes).”⁴ The Commission also may waive its strict tolling standard to grant tolling of a construction permit when “rare and exceptional circumstances other than those delineated” in the rule prevent a permittee from timely completing construction “for reasons beyond its control.”⁵ Construction of the Biscoe Translator’s displacement facility has been impeded by just such factors. The COVID-19 pandemic constitutes a natural disaster with national, and even global, impacts on par with any flood, tornado, hurricane or earthquake.⁶ The Commission previously has noted the Presidential declaration of the pandemic as a national emergency and has recognized that “the construction and delivery delays that are occurring as a result of the COVID-19 pandemic, as well as efforts undertaken by the stations themselves to protect the health of their employees and their families, result from circumstances outside of a station’s control.”⁷ As described above, Licensee’s construction efforts have been impeded in part by delivery delays arising from pandemic-related disruptions, as well as by transmitter damage likely caused by lightning. Construction of the Biscoe Translator facility thus has been delayed by circumstances beyond Licensee’s control, and tolling of the station’s construction permit deadline – either in accordance with Section 73.3598(b)(1) or pursuant to a waiver of the Commission’s strict tolling standard for “rare and exceptional circumstances” – therefore is appropriate and necessary.

Grant of Licensee’s requests herein is in the public interest because the completion of the Biscoe Translator facility will restore reliable over-the-air service to viewers who would not

⁴ 47 C.F.R. § 73.3598(b)(1).

⁵ *1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules, and Processes*, Mem. Op. & Order, 14 FCC Rcd 17541 ¶ 42 (1999). See also *CMCG Puerto Rico License, LLC*, Letter, 21 FCC Rcd 12900, 12901 (MB Vid. Div. 2006) (“CMCG”).

⁶ Cf. *CMCG*, 21 FCC Rcd at 12901 (holding that “lightning strikes causing serious damage to the tower and the work site are Acts of God” or, in the alternative, “are certainly rare and exceptional circumstances that would warrant waiver of the strict tolling provisions of the rule”).

⁷ *Guidance for Stations in Phase 9 of the Post-Incentive Auction Transition as a Result of the Novel Coronavirus (COVID-19) Pandemic*, Public Notice, DA 20-282 (March 17, 2020).

otherwise have over-the-air access to WCNC-TV's signal. For the reasons set forth herein, Licensee requests that the Commission extend the Biscoe Translator's silent authority, and toll or waive the station's construction permit deadline, for a period of 60 days.