

Request for Extension of Invoice Filing Deadline

Univision New York, LLC

WFUT-DT Newark, NJ

Channel 26 215 kW-ND 397 m

Univision New York, LLC, licensee of WFUT-DT, Newark, NJ, ("WFUT") respectfully requests an extension of the Commission's October 8th, 2021, deadline for submission of its remaining invoices and documentation for reimbursement of expenses related to WFUT's post-incentive auction transition. WFUT seeks only a limited extension from the first to the second deadline assignment. Despite having experienced unique and challenging delays outside of its control for its facility atop the Empire State Building, WFUT will have submitted the vast majority of the invoices associated with its relocation by the October 8 deadline. There remains a small amount of ancillary work ongoing, however, and WFUT expects it will receive invoices for this work later in September. Fees for this remaining work should not exceed \$100,000. To provide adequate time to submit these few remaining invoices, WFUT seeks this limited extension.

Background. As the Commission is aware, WFUT's post-auction transition has been complicated by the fact that its transmitter facility is located on the Empire State Building in midtown Manhattan. This facility is part of a shared use site with several other full-power FM, full-power TV and low-power TV/radio stations. Further complicating work on this site are local requirements related to public safety. The building owner operates an open-air observation deck on the 86th floor and an observation deck on the 102nd floor, which severely restrict access to the tower above the building's 104th floor. Access to the tower is not possible while the observation deck is in operation. As a result, tower work typically is restricted to the hours between 2 am and 7 am, with other safety and business interruption considerations effectively limiting access to only 3 hours per day. Furthermore, the tower's structural capacity is grandfathered; although compliant with legacy building codes, it does not meet the latest local structural codes that include new requirements for hurricane winds and additional ice loading. In addition, local codes restrict the use of "gin-poles" with a lift capacity exceeding 2,000 pounds, which further restricts the work that can be completed on this tower. All of these restrictions have made for a uniquely challenging transition.

After extensive study and modeling, it was estimated that the cost to re-enforce the tower and install an antenna equivalent to WFUT's pre-auction antenna would exceed \$18 million. This would have been in addition to the expenses related to the tower's reconfiguration planning and the

installation of an auxiliary master FM antenna,¹ which exceeded \$33 million. The construction necessary for this project was expected to take until Q2 2022 to be completed.

In order to reduce the cost, time, and risk of undertaking such a complex project, WFUT instead elected to modify a pre-existing master UHF panel antenna system owned by CBS that was not in use by any other TV broadcaster at the time. While use of this antenna is not strictly comparable to the station's pre-auction facility, in using this antenna as an interim repack facility, WFUT determined that with minor modifications the antenna would be suitable for its permanent post-auction facility. As WFUT did not have a long-term right to use this antenna, lease negotiations were undertaken with both the building owner and the owner of the antenna. These negotiations did not conclude until January 2021.

Upon completion of this lease agreement, WFUT promptly installed the modifications necessary for use of this antenna as the station's permanent post-auction facility, and WFUT began the process of removing the station's pre-auction antenna and transmission line. This work began during winter months when access the tower is severely limited due to weather-related restrictions. As a result, the work was only recently completed, on June 10th, 2021.

Extension Request. In announcing the filing deadlines to submit all remaining invoices and other documentation for reimbursement from the TV Broadcaster Relocation Fund, the Incentive Auction Task Force and Media Bureau explained that they would grant extensions of such deadlines in limited circumstances for stations facing circumstances outside of their control. *See Invoice Filing Deadlines for TV Broadcaster Relocation Fund*, Public Notice, DA 20-1171, ¶ 13 (Oct. 7, 2020); *TV Broadcaster Relocation Fund Filing Deadline Approaches in Sixty Days*, Public Notice, DA 21-970, ¶ 2 n. 4 (Aug. 9, 2021).

As explained above, such circumstances exist here. Despite WFUT diligent efforts to complete its post-auction transition, because of circumstances beyond its control, work on the station's permanent facilities was only recently completed. WFUT's diligent efforts culminated in its willingness to accept final facilities that did not fully replicate its pre-auction facilities — this, in turn, reduced cost to the Fund and prevented further delay. As a result of these efforts, WFUT expects it will have submitted nearly all invoices by the current October 8 deadline. Nevertheless, WFUT

¹ The auxiliary master FM antenna was required to allow any personnel on the upper sections of tower while the full-power FM stations were in operation. This antenna was utilized extensively while WFUT-DT completed its reconfiguration work on the tower.

anticipates that it will not receive the last of invoices for certain ancillary workstreams associated with its final facilities until later in September or early October 2021. This timeline is unlikely to provide WFUT with ample time to vet and prepare these invoices for submission by October 8. We note that these few remaining invoices should not exceed \$100,000 in value.

Accordingly, WFUT respectfully requests that it be shifted to the second deadline assignment—*i.e.*, March 22, 2022. While WFUT requests that date because it is the second deadline assignment, it anticipates filing all remaining invoices sooner, by the end of the year at the latest.