

**Request for Further Extension of Deadline to Submit Invoices for Reimbursement
from TV Broadcaster Relocation Fund**

Gray Television Licensee, LLC (“Gray”), licensee of WISE(TV), Fort Wayne, IN (Fac ID 13960) (the “Station”), hereby requests that the Incentive Auction Task Force (“Task Force”) and Media Bureau (“Bureau”) reassign the Station from the second deadline for stations to submit invoices for reimbursement from the TV Broadcaster Relocation Fund (March 22, 2022) to the third deadline (September 6, 2022). Good cause exists to shift the Station’s reimbursement deadline because one of Gray’s service providers has experienced unexpected delays and will not complete installation of the Station’s DAC monitoring system before the invoice submission deadline.

Although the Station began operating on its post-auction channel in December 2018 (see File No. 0000064330), Gray did not acquire the Station until August 2, 2021. Soon thereafter, Gray determined that the Station’s post-Incentive Auction facilities were incomplete.

By way of background, on August 2, 2021, Gray consummated its acquisition of the Station from WPTA License, LLC, a subsidiary of Quincy Media, Inc. (“Quincy”) (see File No. 0000136236). Before Gray acquired the Station, the FCC assigned it to move from channel 18 to channel 34 in transition phase 6 as part of the post-Incentive Auction Repack. At the request of Quincy’s predecessor licensee, the FCC moved the Station to transition phase 0 to allow the Station and a linked station to accommodate T-Mobile’s request for an early transition.

To the best of Gray’s knowledge, Quincy acted diligently to construct the Station’s channel 34 facilities. However, installation of the Station’s remote monitoring equipment at its antenna tower has not been completed. When the DAC components were initially ordered, they did not meet the initial delivery objectives. With the demands of the repack, tower crews were not immediately available to return to the site once the DAC components were received.

Gray has engaged Precision Communications to install the DAC system for three of Gray’s stations. Precision has informed Gray that due to a combination of supply chain delays, off air emergencies, and Covid related shutdowns, it has fallen behind schedule and now faces further delays due to seasonal weather at the respective sites. As a result of these delays, Precision does not expect to begin work at the three Gray sites (WBNG WISE, and KTIV) until late March to early April, with each site taking two to two-and-a-half weeks to complete. See Attached Letter from Ron Scalfani, Director of Engineering & Estimating, Precision Communications, to Brady Dreasler, Gray Television. Although Precision has offered, as an alternative, to complete the work for a flat fee, Gray does not feel comfortable committing to a payment in full before the work is complete.

Because Gray, due to circumstances beyond its control, has not been able to complete its repack related work and finalize its invoices for submission, the FCC should shift the Station’s reimbursement deadline. In their January 21, 2022 Public Notice, the Task Force and the Bureau indicated that they “will consider a limited extension” of a station’s reimbursement deadline where an entity faces circumstances beyond its control.¹ In such circumstances, the Task Force and the Bureau indicated that they will shift an entity

¹ See *TV Broadcaster Relocation Fund Invoice Filing Deadline Approaches in 60 Days*, MB Dkt. No. 16-306, GN Dkt. No. 12-268, DA 22-72 (rel. Jan. 21, 2022)..

currently assigned to the second deadline to the third, and last, invoice filing deadline. The instant circumstances warrant such an approach.

Here, the FCC initially assigned the Station to Phase 6, which would have been subject to a March 22, 2022 invoice submission deadline. Although a predecessor licensee requested an early transition to accommodate T-Mobile, it did not complete all repack-related work at that time. Gray acquired the Station on August 2, 2021 and has been working diligently to complete all outstanding work since that time, but due to the unforeseen delays described above, additional work remains. Nevertheless, Gray expects to submit all invoices well before the September 6 deadline.

Applying the March 22, 2022 invoice submission deadline to the Station under these circumstances is not in the public interest. Given the harm to Gray of enforcing a deadline that does not account for the Station's circumstances, it would be unreasonable and inconsistent with Congress's charge for the FCC to reimburse costs "reasonably incurred" in the repack² to require Gray to submit all invoices for the Station before March 22, 2022. Because Gray has submitted all other expenses for the Station, the requested extension should not result in any significant disruption to the Commission's ability to complete the reimbursement process.

² See Middle Class Tax Relief and Job Creation Act of 2012, Pub. Law 112-96, § 6403(b)(4).



February 22, 2022

FCC
c/o Brady Dreasler
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Gray Television, Inc.
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Quincy, IL 62301
Office: 217-221-3415

RE: Request for Extension on Repack Related DAC Monitoring System Installations

We request an extension to complete three sites with DAC Monitoring System installations; specifically WBNG Binghamton NY, WISE Fort Wayne IN and KTIV Sioux City IA.

We have completed a number of the system installs during the Repack construction phases, however these sites have encountered complications beyond our control.

Some of the complications include lack of materials availability while on site for the other tower work requiring remobilization of crews and equipment which put the projects on hold during the summer/fall months.

We have also experienced an uptick in off air emergencies which has pushed against scheduling. We have assisted with over 29 of these in the past four months alone. And internally we have had crews shut down due to Covid19 infections.

These DAC systems include the splicing of hybrid fiber cables. The materials supplier provided a single splicing kit, so we had originally allocated a single crew to complete them all based on that learned skillset and available tooling. In an effort to expediate these jobs, we purchased from overseas a second tool kit and trained other crew members so that we could work multiple sites in parallel.

This has helped somewhat, but now we are experiencing winter weather on these sites that limit or outright prohibit work on these towers for either crew. There is a crew current on site at a non-Gray station in La Crescent MN that may possibly complete in the next few days. They have been working as best as possible in below zero temperatures, but if they can't wrap up soon, a snow storm is on the way that will prevent further work on the tower for at least a week or more depending on temperatures afterward being high enough to clear the tower of frozen moisture. And these same weather patterns are forecast at three remaining Gray sites.

For these reasons, again we request an extension for the completion of these projects. Please let us know if you have any questions or if we can supply any other information that could aid you to grant our request.

Currently, these are a high priority in our scheduling queue, but we cannot schedule crew arrival dates due to site weather. Our preferred target would be to start these in late March to early April once the spring rains pass and then get them completed, each taking about two to two and a half weeks.

Thank you,

Ron Scalfani
Director of Engineering & Estimating