

## **WMAE-TV – Request for Extension of Invoice Filing Deadline**

Mississippi Authority for Educational Television (“MAET”), licensee of noncommercial educational PBS member station WMAE-TV, Booneville, Mississippi (“WMAE-TV”), respectfully requests an extension of the March 22, 2022 deadline to submit invoices and related documentation to the Commission’s repack administrator for reimbursement associated with the TV Station’s Post-Incentive Auction repack facilities. MAET requests an extension for WMAE-TV until September 6, 2022 – the next invoice submission deadline, which is also the deadline for invoices for the interim FM facilities of co-owned and collocated noncommercial educational FM station WMAE-FM. Extending WMAE-TV’s deadline to match WMAE-FM’s deadline is reasonable; it will permit MAET’s vendor to complete all necessary tower and antenna work for the collocated facilities and it will not result in harm to the FCC’s planned close out timing.

### **Background**

As part of the Commission’s Broadcast Television Spectrum Incentive Auction in 2017 (“the Repack”), WMAE-TV was involuntarily reassigned to a new channel and to Phase 10 of the repack. The TV Station’s facility is co-located on the same tower with that of MAET’s co-owned noncommercial educational FM station, WMAE-FM (“WMAE-FM”). MAET is a state entity in the State of Mississippi and must follow state procurement processes for its repack projects.

MAET did not anticipate a new repack antenna (and, therefore, did not anticipate tower work) for the WMAE-TV Station when it filed its initial Form 399 repack plan and cost estimate back in 2017. However, after WMAE-TV moved to its new repack channel (using its old pre-repack antenna) in Phase 10 of the repack, MAET experienced very poor TV coverage on the new channel, so the FCC’s Fund Administrators approved a repack replacement antenna for WMAE-TV on or about January 20, 2021. The repack replacement antenna triggered tower work and the need for an interim FM antenna on the tower for WMAE-FM. The interim FM antenna and related tower work are FCC-reimbursable, but subject to the later September 6, 2022 invoice submission deadline.

MAET followed state procurement processes for the antenna replacement and tower work and selected a vendor for the work on or about April 22, 2021. Pursuant to state procurement, the vendor was issued a Notice to Proceed with a start date of August 30, 2021 and a project completion date 120 days later. The vendor requested a change order which added 150 days and changed the completion date to January 17, 2022. For reasons unknown to MAET, the WMAE-TV project has taken longer than expected; MAET has asked the vendor to explain the delays. MAET notes that this vendor has provided its services to broadcasters for a long time and took on a lot of repack work, given the scarcity of qualified repack vendors for TV tower work.

On or about February 25, 2022, the vendor reported that the tower crew had arrived on site on February 22, 2022 with supplemental personnel arriving Sunday, February 27, 2022 and an anticipated work start date of February 28, 2022, weather permitting. The vendor indicated

that there were certain variables beyond its control that could extend the antenna and tower work project completion after March 22, 2022, including safety conditions and ongoing supply and logistics issues across the country. Most recently, installation of the TV Station's new repack antenna was scheduled to have been completed by the date of this filing but the tower crew was sidelined from March 5-7 due to thunderstorms and high winds. Based on their experience with repack and with MAET's procurement processes, MAET's consultants have estimated that the remaining tower work on the WMAE-TV repack project might or might not be completed by March 22, 2022.

Even after the vendor completes its project, MAET must follow state procurement protocols for appropriate inspection of the completed project and consent of surety for disposition of the vendor's performance bond, which will add additional time before final repack invoices can be tallied and submitted. In addition, MAET needs to arrange for and complete certain field strength measurements on the repack antenna (which cannot be done until the WMAE-TV repack antenna is installed and operational). This is especially important given the prior antenna issues experienced during repack and given that this particular station provides the only OTA PBS service to portions of Northeast Mississippi) and the station is a critical part of the emergency communications infrastructure for that portion of the state.

### **Conclusion**

MAET has, and continues to, work diligently to complete construction and submit final invoices for WMAE-TV, but cannot do by March 22, 2022 due to reasons beyond its control. Moreover, because the tower work affects both WMAE-TV and WMAE-FM, MAET submits that the later deadline of September 6, 2022 (applicable to WMAE-FM), should apply to WMAE-TV as well.

Although the bulk of the WMAE-TV tower and antenna work is scheduled to be completed near the date of the invoice submission deadline, MAET's vendor had already indicated that it may not be able to complete the tower and antenna work for WMAE-TV and WMAE-FM by March 22, 2022. Moreover, even after the vendor completes its work, MAET needs additional time to arrange for field studies, then gather, review, and submit final invoices and closeout documents from all vendors in accordance with its state procurement processes.

For all these reasons, MAET respectfully requests an extension of WMAE-TV's invoice submission deadline to align it with the WMAE-FM's deadline.

Grant of this request would serve the public interest as it would allow MAET, a governmental entity engaged in noncommercial educational broadcasting, to be fully reimbursed for all of the costs it has reasonably incurred with the repack and to comply with all required state procurement processes. If MAET is not permitted to submit the TV Station's invoices and related documentation for reimbursement after March 22, 2022, it will be forced to pay for fully-reimbursable repack expenses out-of-pocket. This would contradict Congress's goal that broadcasters be fully compensated for repack related expenses. Furthermore, no entity would suffer any harm as a result of the grant of the requested relief.