

W34FR-D: Request for Extension of Construction Permit

Lilly Broadcasting, L.L.C. ("Lilly"), holder of the Commission authorization for television translator station W34FR-D (analog station W07BJ), Ithaca, NY (Facility ID 71512) (the "Station") hereby respectfully requests that the period under the construction permit in LMS File No. 0000140086 to build displacement facilities for the Station (the "CP") be extended for a period of six months until July 10, 2022 to permit Lilly to complete work on the Station's displacement facilities.¹

As a result of the Broadcast Incentive Auction and the associated repack of full power television stations, the Station was displaced and was granted the CP to construct digital facilities on Channel 34 in place of its current Channel 7 analog facilities. The CP expires on January 10, 2022.²

On April 15, 2020 the Station ceased operations on its analog Channel 7 due to equipment and other issues. The Station currently remains silent pursuant to special temporary authority (LMS File 0000163459).³

In the Station's most recent CP extension request,⁴ Lilly recounted how it had been unable to locate the owner of the site at which the Station's current analog facilities are located, which is also the site at which the Channel 34 digital displacement facilities are to be built under the Station's digital displacement construction permit ("CP"). Lilly sought an alternative site and explored constructing the Station's displacement facilities on a tower owned by Ithaca College but ultimately determined that the only space available on that tower was too low above ground level to provide adequate signal coverage. Lilly subsequently located a newly-constructed tower from which the Station could operate. This site was not previously available because construction of the tower was completed in late 2021.

Lilly has negotiated a lease with the owner of that tower and is prepared to file an application for minor modification of its CP to specify the new site and order equipment promptly upon grant by the Commission of this request and the concurrent request for extension of the Station's STA and license. Lilly anticipates that if equipment is ordered in January the equipment could be on site within 60 days thereafter and, subject to grant of a minor modification of the Station's construction permit, construction could commence in the Spring at which time weather conditions should permit installation of the antenna on the tower. Barring supply chain delays in the production and shipping of necessary equipment, and assuming a timely grant of a modified CP, Lilly expects construction to be completed by mid-June, 2022. In the meantime, an extension of the Station's license and STA to remain silent will be necessary to provide time to order and install equipment and obtain a modification to the CP.

¹ Lilly also requests that any applicable Commission rules be waived to the extent necessary to grant the relief hereby requested.

² LMS File 0000140086.

³ By a separate filing, Lilly is seeking STA to continue to remain silent and authorization pursuant to Section 312(g) of the Communications Act of 1934, as amended, to remain silent beyond the one-year anniversary of its cessation of operations on equity and fairness grounds.

⁴ LMS File 0000140086.

Because the Station currently is silent, and will remain silent until its Channel 34 digital facilities have been completed, the grant of this extension will have no impact on the completion of the digital transition. Moreover, the requested extension would serve the public interest by helping to assure that the Station completes construction of its digital facilities so that it can recommence broadcast service to viewers in Ithaca and the surrounding area.