

Request for Extension of Repack Reimbursement Invoice Deadline

Joseph Bernstein of Spina & Company (“Bernstein”), formerly a court-appointed temporary receiver still holding the Federal Communications Commission (“FCC”) license of low power television (“LPTV”) station WEFG-LD, Philadelphia, Pennsylvania (FCC Facility ID No. 167606, “WEFG”), respectfully requests waiver and extension of the Commission’s current September 6, 2022 deadline to submit repack invoice reimbursement requests for WEFG, due to unusual circumstances related to ownership and control of WEFG due to the former temporary receivership. Specifically, control of the FCC license for WEFG has been disputed continuously for the last almost three years, in two proceedings still pending before the Commission as well as before courts in both Pennsylvania and California. As a result, Bernstein respectfully requests that an extension of four months, or until Friday, January 6, 2023 (or such lesser time as the Commission may be willing to grant), to allow for submission of reimbursement requests for WEFG’s repack invoices, which would still be about six months prior to the Commission’s statutory deadline of July 3, 2023 for completion of the disbursement of repack reimbursement funds.

By way of background, Bernstein was appointed a temporary receiver by a Philadelphia court on November 19, 2018, based on an underlying California default judgment that the Commission had already found unlawful;¹ that California default judgment and related assignment orders, which had been domesticated in Pennsylvania, have been vacated in both California and Pennsylvania by final orders over a year ago, in May and June 2021. An FCC Form 316 involuntary assignment of license application was filed and granted in late November 2018 (FCC CDBS File No. BALDT-20181120AAT), and the prior FCC licensee, Philadelphia Television Network, Inc. (“PTNI”), timely-filed a petition for reconsideration demonstrating that the application should not have been granted and that PTNI was (ultimately, successfully) opposing the temporary receivership in the Philadelphia court, as well as (also ultimately successfully) the default judgment and assignment orders in courts in California and Pennsylvania; this is one of the two proceedings that are currently pending before the Commission regarding control of the WEFG license.

On October 24, 2019, as a result of PTNI’s opposition, the Philadelphia court that appointed Bernstein as temporary receiver vacated its receivership appointment order, and removed Bernstein as temporary receiver, and PTNI filed a supplement to its pending petition for reconsideration to advise the Commission of that. The Commission staff asked Bernstein and PTNI to file a new Form 316 involuntary assignment of license application to assign the WEFG license back to PTNI; while that application was filed (FCC CDBS File No. BAL-20191101AAM), Bernstein filed to request that application’s withdrawal or dismissal the next

¹ See Letter from Barbara A. Kreisman dated November 13, 2018, FCC File No. BALDTL-20180502ACB.

business day, and that application is the second of the two proceedings that are currently pending before the Commission regarding control of the WEFG license.

At present, while the Philadelphia court removed Bernstein as the temporary receiver of almost three years ago, he still remains the FCC licensee of WEFG, responsible for construction of WEFG's repack Channel 21 construction permit (FCC LMS File No. 0000151021) facilities and requesting reimbursement of the costs of same (estimated at over \$400,000), but no longer with any authority from the court to take action (nor does Bernstein, with no prior experience in broadcasting, have the expertise to oversee the repack construction process). On August 12, 2022, Bernstein filed pleadings in each of the pending Commission proceedings removing his opposition to the assignment of the WEFG license back to PTNI, which the parties hope will further clear the way for Commission action in those matters.

The continuing delay in Commission action on either or both of the pending proceedings to restore the FCC license for WEFG to PTNI is an unusual circumstance that warrants the requested extension of the repack reimbursement invoice filing deadline for WEFG requested herein (or such other relief as the Commission may grant).