



Federal Communications Commission  
Washington, D.C. 20554

August 28, 2023

Fox Television Stations, LLC  
Ann West Bobeck, Esq.  
101 Constitution Avenue NW  
Suite 200 West  
Washington, DC 20001  
[ann.bobek@fox.com](mailto:ann.bobek@fox.com)  
(via electronic mail)

Re: Request for Invoice Deadline Extension  
KTVU(TV), Oakland, CA  
Facility ID No. 35703  
LMS File No. 0000219546

KGO Television, Inc.  
John W. Zucker, Esq.  
77 West 66<sup>th</sup> Street, 16th Floor  
New York, NY 10023  
[john.w.zucker@abc.com](mailto:john.w.zucker@abc.com)  
(via electronic mail)

Re: Request for Invoice Deadline Extension  
KGO-TV, San Francisco, CA  
Facility ID No. 34470  
LMS File No. 0000219544

San Francisco Television Station KBCW Inc.  
Daniel G. Ryson  
2020 M Street NW - Licensing Department  
Washington, DC 20036  
[dryson@cbs.com](mailto:dryson@cbs.com)  
(via electronic mail)

Re: Request for Invoice Deadline Extension  
KBCW(TV), San Francisco, CA  
Facility ID No. 69619  
LMS File No. 0000219558

RNN National, LLC  
Christian French  
800 Westchester Avenue  
Suite 640  
Rye Brook , NY 10573  
[cfrench@rntv.com](mailto:cfrench@rntv.com)  
(via electronic mail)

Re: Request for Invoice Deadline Extension  
KCNS(TV), San Francisco, CA  
Facility ID No. 71586  
LMS File No. 0000219577

Rural California Broadcasting Corporation  
Darren LaShelle  
5850 Labath Avenue  
Rohnert Park, CA 94928  
[Darren\\_LaShelle@norcalpublicmedia.org](mailto:Darren_LaShelle@norcalpublicmedia.org)  
(via electronic mail)

Re: Request for Invoice Deadline Extension  
KPJK(TV), San Mateo, CA  
Facility ID No. 58912  
LMS File No. 0000219851

Dear Licensees,

On August 17, 2023, Fox Television Station LLC, licensee of KTVU, Oakland, California (KTVU); and KGO Television, Inc., licensee of KGO-TV, San Francisco, California (KGO), filed the above-captioned requests, and on August 18, 2023, San Francisco Television Station KCBW Inc., filed a separate request (KCBW, and collectively, the Sutro Broadcasters)<sup>1</sup> for extension of the Commission's

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<sup>1</sup> See, e.g., LMS File No. 0000219546 and Attach. (KTVU request) (Sutro Tower Stations – Reimbursement Invoice Submission Extension Request).

invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimbursement Fund or Fund) from their current invoice filing deadline of August 31, 2023, to August 31, 2024. Two other stations also filed extension requests: RNN National LLC, licensee of KCNS(TV), San Francisco, California, filed on August 18, 2023, and Rural California Broadcasting Corporation, licensee of KPJK(TV), San Mateo, California (Stations), filed on August 24, 2023. Both Stations request extension of their August 31, 2023, deadlines to August 31, 2024, for reasons similar to those cited in the Sutro Broadcasters' requests.<sup>2</sup> For the reasons below, we grant the Sutro Broadcasters' and the Stations' requests (collectively, Requests) and extend the date of their invoice filing deadlines to August 31, 2024.

*Background.* Pursuant to Commission direction, the Incentive Auction Task Force and Media Bureau set deadlines for final invoice submission to the Fund using a phased assignment approach.<sup>3</sup> We stated that we did not anticipate a need to grant extensions because the first deadline was more than a year after the July 13, 2020, statutory end of the transition period. We noted, however, that if an entity faced circumstances beyond its control we could consider a limited extension by means of shifting that entity's assigned deadline to a subsequent filing assignment deadline.<sup>4</sup> An entity requesting such a shift was required to provide evidence that circumstances requiring the extension were outside of its control.<sup>5</sup> We further stated we would not grant extensions that do not provide the staff with sufficient processing time to complete close-out procedures for all stations.<sup>6</sup> On August 4, 2022, we issued a final reminder to Fund entities that any outstanding invoices must be filed by the third and final September 6, 2022 deadline, and that we did not anticipate further extensions, barring limited extensions requested by entities that are able to provide evidence that circumstances outside of their control, such as local zoning or a force majeure event occurring proximate to the final submission, would necessitate a limited extension.<sup>7</sup>

The Sutro Broadcasters and Stations requested and received initial extensions of the March and September 2022 invoice filing assignment deadlines, which deadlines were subsequently further extended to April 30, 2023, May 31, 2023, and August 31, 2023.<sup>8</sup> The Sutro Broadcasters and the Stations have transitioned to and are operating from their post-auction channels, but state that they will incur repack-related expenses after the current August 31, 2023, invoice filing deadline because Sutro Tower Inc., (STI), the owner of the tower from the stations broadcast, did not receive approval and related mitigation

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<sup>2</sup> See, e.g., LMS File No. 0000219577 and Attach. (KCNS request).

<sup>3</sup> See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6815-16, 6819, paras. 607, 616-17 (2014) (*Incentive Auction R&O*), subsequent history omitted; *Invoice Filing Deadlines for TV Broadcaster Relocation Fund*, Public Notice, 35 FCC Rcd 11273, 11277, paras. 10-11 (MB/IATF 2020) (*Invoice Filing Deadline PN*) (setting three filing deadlines for submission of all remaining repack invoices: October 8, 2021; March 22, 2022; and September 6, 2022).

<sup>4</sup> See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13. The last deadline was September 6, 2022.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *TV Broadcaster Relocation Fund Third and Final Invoice Filing Deadline Approaches In Thirty Days*, Public Notice, DA 22-817, n.5 (MB/IATF Aug. 4, 2022).

<sup>8</sup> See, e.g., Letters from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to KGO Television, Inc., et al., LMS File No. 0000185003 (Mar. 21, 2022) (extending the invoice filing assignment deadlines from March 22, 2022 to September 6, 2022); LMS File No. 0000196868 (Aug. 31, 2022) (extending the invoice filing deadlines from September 6, 2022 to January 17, 2023); LMS File No. 0000205004 (Dec. 20, 2022) (extending the January 17, 2023, deadline to April 30, 2023); LMS File No. 0000214229 (May 2, 2023) (extending the April 30 deadline to May 31, 2023); and LMS File No. 0000215806 (June 9, 2023) (extending the May 31 deadline to August 31, 2023).

conditions from the San Francisco Planning Commission until May 25, 2023, and therefore only recently were able to submit their “Preservation Conditions of Approval Compliance Outline/Timeline” (Timeline) to the Planning Commission.<sup>9</sup> Sutro Broadcasters and the Stations state that despite their diligent efforts to obtain the necessary permits and consents since 2017, the delays were beyond their control and mean that they will incur expenses well after August 31, 2023.

As noted in the extension requests, Sutro Tower (Tower) is located in a residential area of San Francisco and must comply with local zoning, land use, and permitting laws and regulations. STI (working on behalf of Tower tenants such as the Sutro Broadcasters and Stations), initially sought authority from the City in 2017 to replace the broadcast antennas used by the repacked Stations and remove the architectural cladding existing on the vertical legs of the Tower to reduce weight and lessen wind loading in compliance with local wind and seismic standards. Discussions with the City, local politicians, and neighborhood stakeholders over the course of two years did not generate all of the requisite approvals, but the City accepted a modified repack application that bifurcated the required work into two parts which enabled the Sutro Broadcasters and Stations to meet their deadlines for transitioning to their post-auction channels while they continued to seek approvals for remaining work, including work necessitated as a result of the cladding removal required as part of the installation of new antennas and other equipment.

The Sutro Broadcasters state that despite their best efforts, the City did not approve until May 25, 2023, the cladding elimination structural improvements, subject to certain conditions.<sup>10</sup> The Sutro Broadcasters and Stations report that it was therefore not until July 25, 2023, that STI was finally able to develop their estimated Timeline for compliance with the conditions relating to the proposed cladding elimination structural improvements to the Tower mandated by the Planning Commission and completion of other remaining Tower work.<sup>11</sup> The Broadcasters note that compliance with the conditions will extend well into 2024 (and even potentially beyond 2024).<sup>12</sup> The Broadcasters therefore seek approval to extend the invoice filing deadline to August 31, 2024.

*Discussion.* Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Sutro Broadcasters’ and Stations’ invoice filing deadlines from the current August 31, 2023, deadline to August 31, 2024. The Sutro Broadcasters and Stations have demonstrated that circumstances beyond their control require the extension. We also find that granting the Requests is not likely to interfere with the staff’s ability to process the Sutro Broadcasters’ and Stations’ invoices or complete close-out procedures for all stations. We therefore conclude that the public interest will be served by grant of the extension. We strongly encourage the Sutro Broadcasters and Stations to pursue diligently submission of all remaining invoices as early as possible, without waiting for the invoice filing deadline of August 31, 2024. We remind the Sutro Broadcasters and the Stations that, pursuant to the Spectrum Act, the stations are eligible for reimbursement for costs “reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other.”<sup>13</sup> Additional expenses

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<sup>9</sup> See, e.g., LMS File No. 0000219558 and Attach. at 3-4 (KBCW request).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> 47 U.S.C. § 1452(b)(4)(A)(i). See also *Incentive Auction R&O*, 29 FCC Rcd at 6821, para. 622 (“The appropriate scope of ‘costs reasonably incurred’ necessarily will have to be decided on a case-by-case basis.”).

incurred, such as expenses resulting from changes in a station's transition plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund.

**A station's failure to timely submit any pending invoices by the filing deadline, could preclude that station from receiving full reimbursement.**

In consideration of the above facts, the requests for extension of invoice filing deadlines of Fox Television Station LLC; KGO Television, Inc.; San Francisco Television Station KCBW Inc.; RNN National, LLC; and Rural California Broadcasting Corporation **ARE GRANTED**. The deadline for filing invoices pending as of August 31, 2023, for KTVU, Oakland, California; KGO-TV, San Francisco, California; KCBW, San Francisco, California; KCNS, San Francisco, California; and KPJK, Mateo, California, **IS MODIFIED TO August 31, 2024**.

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc (via electronic mail): Susan Fox, The Walt Disney Company, at [Susan.Fox@disney.com](mailto:Susan.Fox@disney.com)  
Martha E. Heller, VP, Paramount Global, at [martha.heller@viacomcbs.com](mailto:martha.heller@viacomcbs.com)  
Christina Burrow, Esq., at [cburrow@cooley.com](mailto:cburrow@cooley.com)  
Margaret L. Miller, Esq., at [mmiller@graymillerpersh.com](mailto:mmiller@graymillerpersh.com)