



ORIGINAL

Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street, NW | Washington, DC 20036 | tel 202.663.8000 | fax 202.663.8007

Clifford M. Harrington, Esq.
tel 202.663.8525
clifford.harrington@pillsburylaw.com

May 29, 2015

Accepted / Filed

MAY 29 2015

Federal Communications Commission
Office of the Secretary

VIA HAND DELIVERY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW, TW-A325
Washington, DC 20554

**Re: WJAR Licensee, LLC
Request for Extension of Incentive Auction Protection Cutoff
WJAR(TV), Providence, RI, FAC ID 50780**

WJAR Licensee, LLC (“Licensee”), licensee of television station WJAR(TV), Providence, Rhode Island (the “Station”), through its counsel, hereby respectfully requests at least a 60 day extension of the May 29, 2015 Pre-Auction Licensing Deadline so that, in the wake of a recently granted Channel 51 to Channel 50 channel change¹, the Station may complete its channel change facility construction and obtain protection in the repacking process that will be part of the television incentive auction.²

¹ *Amendment of Section 73.622(i), MB Docket No. 15-98 Post-Transition Table of DTV Allotments, Television Broadcast Stations (Providence, Rhode Island), DA 15-621 (rel. May 22, 2015).*

² *Media Bureau Designates May 29, 2015 as Pre-Auction Licensing Deadline, Public Notice, 30 FCC Rcd 393 (MB 2015) (“January Notice”); see also Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6656, para. 195 and n. 646 (2014) (“Incentive Auction R&O”).*

Such an extension is in the public interest and is consistent with the Commission's Incentive Auction and National Broadband goal to repurpose up to 120 MHz of spectrum. The channel change "will serve the public interest because it would remove any potential interference with a wireless licensee in the Lower 700 MHz A Block located directly adjacent to channel 51 in the Providence, Rhode Island-New Bedford, Massachusetts and Boston, Massachusetts television markets."³

In the *January Notice*, the Commission established May 29, 2015 as the Pre-Auction Licensing Deadline and mandated that, as of that date, all "full power and Class A facilities must be licensed in order to be eligible for protection in the repacking process..."⁴ This deadline is a limited extension of February 22, 2012, the prior license protection cutoff date established in the *Incentive Auction R&O*. The *January Notice* states that certain categories of facilities, including Channel 51 change facilities, warranted additional time beyond February 22, 2012 in order to best serve the public interest.

³ *Amendment of Section 73.622(i), MB Docket No. 15-98 Post-Transition Table of DTV Allotments, Television Broadcast Stations (Providence, Rhode Island), DA 15-621.*

⁴ *Media Bureau Designates May 29, 2015 as Pre-Auction Licensing Deadline, Public Notice, 30 FCC Rcd 393 (MB 2015).*

As the Commissions is aware, the Station was the focus of a recent Channel 51 change Petition for Rulemaking proceeding.⁵ The proceeding, following the April 8, 2015 execution of a Channel Relocation Agreement with T-Mobile, was initiated on April 9, 2015 and terminated on May 29, 2015. More specifically the proceeding cycle was as follows:

- April 8, 2015: Channel Relocation Agreement signed by T-Mobile
- April 9, 2015: Petition for Rulemaking Tendered to FCC
- April 21, 2015: Notice of Proposed Rulemaking (DA 15-481) released
- April 24, 2015: Federal Register - Proposed Rule Publication
- May 11, 2015: Supporting Comments Filed by Licensee
- May 22, 2015: Report and Order (DA 15-621) released
- May 22, 2015: Form 2100/Construction Permit Application Filed
- May 28, 2015: Form 2100 CP Granted
- May 29, 2015: Federal Register - Final Rule Publication

The aforementioned timeframe made it impossible to commence, much less complete, the Channel 50 facility construction by May 29, 2015.

The technical specifications reviewed and approved as part of the Station's Channel 51 to Channel 50 change require the construction, erection and complete

⁵ *Notice of Proposed Rulemaking (Providence, Rhode Island, DA 15-481, MB Docket No. 15-98, RM-11748 (rel. April 21, 2015).*

installation of a new antenna and related transmission facilities, such as the required filtering system. The Licensee, as evidence of its commitment to the channel change has persisted through the rulemaking proceeding, filed the requisite FCC Forms, and expeditiously taken all other steps necessary to complete the construction of the Station's Channel 50 facility and place it into operation.

The Licensee is making every reasonable effort within its control to expedite the Channel 50 construction so that it may vacate the spectrum for T-Mobile. The current WJAR antenna is specifically designed to operate on Channel 51, and cannot be used for operation on Channel 50. Therefore, even before it obtained authority to construct the new facility, the Licensee, at its own risk, contracted with the only remaining U.S. television antenna manufacturer, Dialectric, to design and construct an appropriate Channel 50 antenna. However, Dialectric has advised the Licensee that the materials used to construct the antenna consist of parts that are sourced from third parties, and that these are not readily available "off-the-shelf." These materials include the large steel tube that is the foundation of the required antenna. Once the materials are delivered to Dialectric, the antenna fabrication can commence, following which the fabricated antenna must be tested to ensure conformity with design specifications and Commission technical rules. Then the antenna can be delivered and installed on the Station's existing tower. The Licensee is advised that the usual timetable to acquire the materials for and to fabricate and install a television antenna of this size is six months or longer

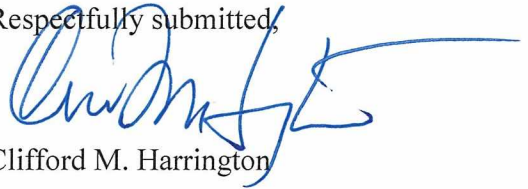
The Licensee has requested that Dialectric take all steps possible to expedite the acquisition of the required material and to fabricate, test, and deliver the WJAR Channel 50 antenna at the earliest possible date. While the necessary materials have already been ordered, Dialectric has advised that the necessary materials will not be delivered to Dialectric for several weeks. Once Dialectric receives the necessary material, it will commence fabrication of the antenna, and then conduct performance tests before delivering the antenna to WJAR. Based on information supplied by Dialectric, it will take a minimum of sixty (60) days to deliver the antenna to the Station transmitter site for installation. The proposed channel change is being undertaken to permit T-Mobile to institute, at the earliest possible date, improved wireless broadband service in the Providence and Boston markets. The Commission has already recognized the important public interest benefits—including increased competition and improved wireless broadband service—in those areas. Moreover, the requested waiver need not delay implementation of the Commission's incentive auction process, and the Commission may easily flag the WJAR coverage information in its repacking database and use the new Channel 50 information for its computations. For all these reasons, the public interest strongly favors grant of the requested waiver.

Accordingly, the Licensee respectfully requests at least a sixty (60) day extension of the May 29, 2015 Pre-Auction Licensing Deadline.

May 29, 2015
Page 6

Please direct any communications regarding this matter to the undersigned.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Clifford M. Harrington", with a long horizontal flourish extending to the right.

Clifford M. Harrington

533070-0000000