



Federal Communications Commission
Washington, D.C. 20554

February 18, 2020

Connecticut Public Broadcasting, Inc.
Meg Sakellarides
1049 Asylum Avenue
Hartford, CT 06105

Re: Request for Tolling
WEDW, Stamford, CT
Facility ID No. 13594
LMS File No. 0000093844

Dear Licensee,

On December 20, 2019, Connecticut Public Broadcasting, Inc. (CPB), the licensee of WEDW, Stamford, Connecticut (WEDW or Station), filed the above-referenced request for tolling of the Station's construction permit expiration date. For the reasons below, we grant CPB's request and toll the expiration date of WEDW's construction permit to July 27, 2020.

Background. Pursuant to section 73.3700(b)(5) of the Commission's rules (Rules), a station that was assigned a new channel as a result of the Commission's incentive auction and repacking process may request a single extension of its construction permit deadline of up to 180 days to complete construction of its post-auction facility.¹ All subsequent requests for additional time to construct are subject to the Commission's tolling provisions of section 73.3598(b) of the Rules.² The Commission's tolling provisions provide that a construction permit deadline may be tolled under specific circumstances such as acts of God, delays due to administrative or judicial review, or construction that is delayed by any cause of action pending before a court of competent jurisdiction relating to any necessary local, state, or federal requirement for the construction or operation of the station, including any zoning or environmental requirement.³

CPB requests tolling of its construction permit for its post-incentive auction channel facilities. The Station has ceased operation on its pre-auction channel and is operating at reduced facilities on its post-auction channel while it completes construction of its permanent post-auction facilities.⁴ WEDW was previously granted a construction permit extension through January 29, 2020.⁵ CPB has been authorized to construct a Distributed Transmission System with two transmitter sites. While CPB has commenced operation from one of its transmitter sites, the grant of the construction permit for the second site has been the subject of an Application for Review filed by PMCM TV, LLC. Therefore, pursuant to Section 73.3598(b)(ii) of the rules, CPB requests that the expiration date of its construction permit be tolled.⁶

¹ See 47 CFR § 73.3700(b)(5).

² See 47 CFR § 73.3700(b)(5)(i) citing 47 CFR § 73.3598(b).

³ *Id.*

⁴ See LMS File No. 0000077937.

⁵ See LMS File No. 0000068562.

⁶ Our action here is not meant to prejudge or reflect any Bureau position on the open adjudicatory proceeding.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to toll the expiration date of the Station's construction permit. CPB has demonstrated it did not complete construction of its post-auction channel facilities due to an ongoing administrative appeal of the initial grant of its construction permit. We also find that grant of CPB's tolling request is not likely to negatively impact the overall transition schedule and will not cause interference to other stations. WEDW has already ceased operation on its pre-auction channel and is operating a temporary facility. To the extent viewers are unable to receive WEDW's signal while it operates its temporary facility, we believe that CPB has every incentive to ensure viewers are fully informed about the Station's transition plan. Ultimately, we conclude that the public interest will be served by grant of tolling of the Station's construction permit.

We remind CPB that pursuant to the Spectrum Act, the Station is eligible for reimbursement from the TV Broadcast Relocation Fund (Fund) of costs "reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other."⁷ Additional expenses 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.

The above facts considered, Connecticut Public Broadcasting, Inc.'s request for tolling **IS GRANTED**. The construction permit (LMS File No. 0000036047) for WEDW, Stamford, Connecticut **IS TOLLED to July 27, 2020**. Grant of tolling does not permit WEDW to recommence operation on its pre-auction channel. We also remind CPB that any subsequent requests for tolling of its construction permit deadline will be subject to the Commission's tolling provisions.⁸

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Melodie A. Virtue, Esq.

⁷ 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.").

⁸ See 47 § CFR 73.3598(b).