



Federal Communications Commission  
Washington, D.C. 20554

September 15, 2021

ION Television License, LLC  
Legal Department  
601 Clearwater Park Road  
West Palm Beach, FL 33401  
[Bianca.Frye@scripps.com](mailto:Bianca.Frye@scripps.com)  
(via electronic mail)

Re: Request for Invoice Deadline  
Extension  
WPPX-TV, Wilmington, DE  
Facility ID No. 51984  
LMS File No. 0000158675

Dear Licensee,

On September 7, 2021, ION Television License, LLC (Licensee), the licensee of WPPX-TV, Wilmington, DE (WPPX or Station), filed the above captioned request (Request) for extension of the Commission's invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimburse Fund or Fund) from the first invoice filing assignment deadline of October 8, 2021, to the second invoice filing assignment deadline of March 22, 2022. For the reasons below, we grant Licensee's Request and extend the date of the Station's invoice filing assignment deadline to March 22, 2022.

*Background.* Pursuant to the Commission's direction, the Incentive Auction Task Force and Media Bureau set deadlines for final invoice submission to the Reimbursement Fund using a phased assignment approach.<sup>1</sup> All repacked stations assigned to Phases 1 through 5 of the Transition Scheduling Plan, and repacked stations that were granted permission to transition prior to the Phase 1 testing period, are required to submit all remaining invoices and supporting documentation using the Reimbursement Form, and initiate interim close-out procedures, no later than October 8, 2021. We stated that we did not anticipate a need to grant extensions because the deadline is more than a year after the July 13, 2020, statutory end of the transition period and more than a year after the announcement of the invoice filing assignment deadline. However, in the unlikely event that an entity faces circumstances beyond its control, we may consider a limited extension by means of shifting an entity with the first (October 8, 2021) invoice filing assignment deadline to the second (March 22, 2022) invoice filing assignment deadline.<sup>2</sup> An entity requesting such a shift must provide evidence that circumstances requiring the extension were outside of its control, such as local zoning or a force majeure event occurring proximate to

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<sup>1</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*), *aff'd*, *Nat'l Ass'n of Broadcasters v. FCC*, 789 F.3d 165 (D.C. Cir. 2015); *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: for eligible entities assigned repack transition completion dates in the first half of the 39-month post-auction transition period, the deadline for submitting all remaining invoices is October 8, 2021; the deadline for entities assigned completion dates in the second half of the transition period is March 22, 2022; and the deadline for all other participants in the reimbursement program is September 5, 2022).

<sup>2</sup> See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.

the final submission deadline.<sup>3</sup> We will not consider the availability of reimbursement or the status of specific reimbursement requests to be a mitigating factor in evaluating extension requests and we will not grant extensions that do not provide the staff with sufficient processing time to complete close-out procedures for all stations.<sup>4</sup>

Licensee requests an extension of the invoice filing assignment deadline from the first (October 8, 2021) to the second (March 22, 2022) invoice filing assignment deadline for the Station. The Station transitioned to its post-auction channel prior to September 11, 2019, and currently is operating at reduced power from interim facilities on its post-auction channel.<sup>5</sup> Licensee states that it has timely submitted all invoices as expenses are incurred but some Station expenses will not be incurred until after October 8, 2021, due to circumstances beyond its control related to construction delays at the tower site.

Licensee explains that it has been unable to construct the permanent WPPX post-auction channel facilities due to delays in obtaining approval from the tower site, which is owned and operated by ABC, Inc. and CBS/Westinghouse of PA Inc. (CBS), known as the Philadelphia Joint Venture Tower. ION states that it obtained a final antenna mount design and a construction timeline from CBS, the manager of the tower site, in July 2021. Licensee states that it is actively working with CBS to complete the installation of the Station's permanent antenna. Under the current schedule, Licensee predicts that the WPPX antenna should be installed on or around November 17, 2021, with antenna and transmission line testing to occur immediately thereafter. Assuming no further delays, Licensee anticipates that it should be able to begin operating with its permanent facilities in late November or early December 2021.

Licensee argues that the public interest would be served by grant of its Request because it will allow the Station to complete construction of its permanent, full-power facilities and resume service to its entire coverage area. Licensee contends that a limited extension of the reimbursement deadline will help to ensure that the Station can submit final expense documentation for reimbursement based on the actual construction costs of the Station's permanent post-repack facilities. Licensee goes on to assert that grant of its Request for a limited will not cause delay in the Commission's efforts to fully process all reimbursement requests and complete close-out procedures prior to the July 3, 2023 deadline by which time the Commission must close out the Reimbursement Fund.

*Discussion.* Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Station's invoice filing assignment deadline from the first (October 8, 2021) to second (March 22, 2022) invoice filing assignment deadline. Licensee has demonstrated that circumstances beyond its control require the extension. We also find that grant of Licensee's request is not likely to negatively impact the staff's ability to process the Station's invoices or its ability to 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 Station to diligently pursue submission of all remaining invoices and initiate close-out procedures as early as possible without waiting for the second (March 22, 2022) invoice filing assignment deadline.

We remind the Licensee 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

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See LMS File No. 000015240. WPPX was repacked from channel 31 to channel 34.

from one channel to the other.”<sup>6</sup> 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. Furthermore, the Station’s failure to complete any remaining construction in a timely manner and to make final submissions by the assigned invoice filing assignment deadline could preclude the Station from receiving full reimbursement because unobligated amounts in the Fund must be rescinded to Treasury by July 3, 2023.<sup>7</sup>

In consideration of the above facts, ION Television License, LLC’s request for extension invoice filing assignment deadline **IS GRANTED**. The invoice filing assignment deadline for WPPX-TV, Wilmington, Delaware, **IS MODIFIED TO March 22, 2022**.

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc (via electronic mail): Christy Burrow, Esq.

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<sup>6</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.”).

<sup>7</sup> *See Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.