



Federal Communications Commission
Washington, D.C. 20554

March 18, 2022

Dan Modisett
MaxAir Media, LLC
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Clinton, MS 39056
danmodisett@comcast.net
(via electronic mail)

Re: Request for Invoice Deadline
Extension
KNVN(TV), Chico, CA
Facility ID No. 33745
LMS File No. 0000184687

Dear Licensee,

On February 10, 2022, MaxAir Media, LLC (Licensee), the licensee of KNVN(TV), Chico, California (KNVN or Station), filed the above captioned request (Request) for extension of the Commission's invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimbursement Fund or Fund) from the second invoice filing assignment deadline of March 22, 2022, to the third and final invoice filing assignment deadline of September 6, 2022.¹ For the reasons below, we grant Licensee's Request and extend the date of the Station's invoice filing assignment deadline to September 6, 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.² All repacked stations assigned to Phases 6 through 10 of the Transition Scheduling Plan are required to submit all remaining invoices and supporting documentation using the Reimbursement Form, and initiate interim close-out procedures, no later than March 22, 2022. 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 second (March 22, 2022) invoice filing assignment deadline to the third and final (September 6, 2022) invoice filing assignment deadline.³ An entity requesting such a shift must provide evidence that circumstances

¹ The third and final invoice filing deadline was set for September 5, 2022. However, because Labor Day, a federal holiday, falls on Monday, September 5, 2022, the third and last invoice filing deadline is Tuesday, September 6, 2022. *See TV Broadcaster Relocation Fund Invoice Filing Deadline Approaches In Sixty Days*, Public Notice, DA 22-72, para. 4 (MB/IATF Jan. 21, 2022).

² *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: 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 6, 2022).

³ *See Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.

requiring the extension were outside of its control, such as local zoning or a force majeure event occurring proximate to the final submission deadline.⁴ 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.⁵

Licensee requests an extension of the invoice filing assignment deadline from the second (March 22, 2022) to the third and final (September 6, 2022) invoice filing assignment deadline for the Station. The Station transitioned to its post-auction channel and currently is operating from its post-auction channel in accordance with its construction permit and license to cover. Because the Station's repack tower study was performed after its license to cover was granted, however, Licensee learned belatedly that the tower does not comply with California structural regulations and requires additional work.⁶

Licensee filed its transition report and license to cover in October 2020, which the Commission granted in December. Licensee was unable to schedule a tower study until December 2020, however, and so did not learn until January 2021 that the Station's tower failed to meet California structural standards. Licensee further states that wildfires in California in 2021, the cascading backlog of work caused by the fires, and the domino effect of supply chain issues delayed its tower vendor from scheduling the work. Thus, Licensee states its vendor could not begin work on KNVN's tower until February 2022. Licensee expects that the vendor will be able to complete work in August 2022. Accordingly, Licensee states it cannot meet the March 22, 2022 invoice filing deadline.

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 second (March 22, 2022) to third and final (September 6, 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 third and final (September 6, 2022) invoice filing assignment deadline. We remind the Licensee that pursuant to the Spectrum Act, the Station is eligible for reimbursement for 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.

We caution the Station that we do not anticipate allowing further extensions of the final September 6, 2022 invoice filing deadline. 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. Unobligated amounts in the Fund must be rescinded to Treasury and the Commission staff (with the support of the Fund Administrator) must have sufficient time to fully process all reimbursement requests and complete

⁴ *Id.*

⁵ *Id.*

⁶ See LMS File No. 0000184687.

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.").

close-out procedures prior to July 3, 2023.⁸ The Fund Administrator will initiate close out procedures for any entity that has failed to initiate interim close-out procedures by the September 6, 2022 invoice filing deadline. Any unused allocations made to that entity's account will be returned to the Fund and made available for allocation to other program participants or rescinded to Treasury.

In consideration of the above facts, MaxAir Media, LLC's request for extension of invoice filing assignment deadline **IS GRANTED**. The invoice filing assignment deadline for KNVN, Chico, California, **IS MODIFIED TO September 6, 2022**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Kathleen Victory, Esq. at victory@fhhlaw.com

⁸ See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.