



Federal Communications Commission
Washington, D.C. 20554

August 31, 2022

Fox Television Stations, LLC
Ann West Bobeck, Esq.
101 Constitution Ave., NW
Suite 200 West
Washington, DC 20001
ann.bobeck@fox.com
(via electronic mail)

Re: Request for Invoice Deadline Extension
WFLD(TV), Chicago, IL
Facility ID No. 22211
LMS File No. 0000196981

WLS Television, Inc.
John W. Zucker
77 West 66TH Street, 16th Floor
New York, NY 10023
john.w.zucker@abc.com
(via electronic mail)

Re: Request for Invoice Deadline Extension
WLS-TV, Chicago, IL
Facility ID No. 73226
LMS File No. 0000196984

NBC Telemundo License LLC
Angela Ball
300 New Jersey Avenue, NW
Suite 700
Washington, DC 20001
angela.ball@nbcuni.com
(via electronic mail)

Re: Request for Invoice Deadline Extension
WMAQ-TV, Chicago, IL
Facility ID No. 47905
LMS File No. 0000196989

Dear Licensees,

On August 4, 2022, Fox Television Stations, LLC, licensee of WFLD(TV), Chicago, Illinois (WFLD); WLS Television, Inc., licensee of WLS-TV, Chicago, Illinois (WLS); and NBC Telemundo License LLC, licensee of WMAQ-TV, Chicago, Illinois (WMAQ) (collectively Willis Broadcasters or Broadcasters) filed the above-captioned requests¹ for extension of the Commission's invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimbursement Fund or Fund) from the third and final invoice filing assignment deadline of September 6, 2022, to a new invoice filing assignment deadline of January 17, 2023.² For the reasons below, we grant the Willis Broadcasters' Requests and extend the date of the Willis Broadcasters' invoice filing assignment deadlines to January 17, 2023.

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.³ All repacked stations assigned to Phases 6 through 10 of the Transition

¹ See, e.g., LMS File No. 0000196981 and Attach. (Willis Stations – Reimbursement Invoice Submission Extension Request (REDACTED) (Requests)).

² See *TV Broadcaster Relocation Fund Invoice Filing Deadline Approaches In Sixty Days*, Public Notice, DA 22-72, para. 4 (MB/IATF Jan. 21, 2022).

³ 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

Scheduling Plan were 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 was 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. We noted, however, that if an entity faced circumstances beyond its control, we could consider a limited extension by means of shifting an entity with the second invoice filing assignment deadline to the third and final (September 6, 2022) invoice filing assignment deadline.⁴ An entity requesting such a shift was required to provide evidence that circumstances requiring the extension were outside of its control, such as local zoning or a force majeure event occurring proximate to the final submission deadline.⁵ We further stated that we would not grant extensions that do not provide the staff with sufficient processing time to complete close-out procedures for all stations.⁶ On August 4, 2022, we issued a final reminder to Fund entities that any outstanding invoices must be filed by the September 6 deadline and that we did not anticipate further extensions of the invoice filing deadline, 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 deadline extension.⁷

The Willis Broadcasters requested – and received – extensions of the March 2022 invoice filing assignment deadline to the September 6, 2022 invoice filing assignment deadline.⁸ The Willis Broadcasters, which have transitioned to and are operating on their post-auction channels from either interim or auxiliary facilities, will incur repack expenses for work required after the September 6, 2022 deadline because of, *inter alia*, multiple denials by Chicago officials of the requisite permits for helicopter lifts needed to perform work on the Willis Tower (Tower), which is managed by a third party, and changes in another third party’s business that requires securing a replacement vendor for the heavy lift helicopter.⁹ Thus, despite diligent efforts to obtain the necessary permits and consents, Willis Broadcasters state that the ongoing delays are circumstances beyond their control.

As noted in their prior request, the Tower is a multi-tenant communications platform located in downtown Chicago that supports many stations that must comply with various zoning and planning departments within the city of Chicago (City). The Tower also must obtain approval from the Alderman’s office and the Chicago Police Department (CPD) for work performed on the Tower site. Given the unique engineering and safety considerations that accompany modification and installation of

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).

⁴ See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.

⁵ *Id.*

⁶ *Id.*

⁷ *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).

⁸ See, e.g., Letter from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to WLS Television, Inc., et al., LMS File No. 0000185061 (Mar. 21, 2022) (granting request to extend the invoice filing assignment deadlines for the Willis Broadcasters from March 22 to September 6, 2022).

⁹ See Requests.

facilities on a skyscraper located in a densely populated area, all construction work related to the repack is being coordinated, managed and executed through Willis Tower and its engineering firm.

In the Request the Willis Broadcasters document exceptional circumstances, including weather-related delays as recently as July 17, 2022, and difficulties in obtaining the type of heavy-lift helicopters and the required permits and approvals from the City and the CPD, that have delayed the completion of the final post-auction facilities for the Broadcasters. Specifically, the Broadcasters state that only one helicopter lift actually occurred this year, out of eight lifts scheduled since the beginning of 2022; five were canceled because local officials either denied or failed to issue the necessary permits, and two were canceled due to unsafe weather conditions.¹⁰ The Broadcasters further state that, as of August, they are close to securing a heavy-lift helicopter vendor, but that the vendor may not be able to provide service until November, when it will no longer be on call to respond to California wildfires.¹¹ The Willis Broadcasters also cite the continuing work on the complex structural analyses of the East Mast and the West Mast, both of which are required in order to obtain certain permits and approvals required under local ordinances, coupled with the need to submit the West Tower wedding cake and top plate assembly to the manufacturer for fabrication.¹² Given this unique series of events, the Willis Broadcasters state that they have not yet incurred all costs associated with the repack of their respective facilities. Thus, they contend a limited extension of the invoice submission deadline — from September 6, 2022 to January 17, 2023 — is warranted.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Willis Broadcasters' invoice filing assignment deadline from the September 6, 2022 invoice filing assignment deadline to January 17, 2023. The Willis Broadcasters have demonstrated that circumstances beyond their control require the extension. We also find that grant of the Requests is not likely to negatively impact the staff's ability to process the Broadcasters' 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 Willis Broadcasters to diligently pursue submission of all remaining invoices and initiate close-out procedures as early as possible without waiting for the January 17 2023 deadline. We remind the Willis Broadcasters 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."¹³ 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 stations that we do not anticipate allowing further extensions of the final January 17, 2023 invoice filing deadline. A 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 that 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 close-out procedures

¹⁰ Requests at 4-5.

¹¹ *Id.* at 5.

¹² *Id.* at 2, 4-5.

¹³ 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.").

prior to July 3, 2023.¹⁴ The Fund Administrator will initiate close out procedures for any entity that has failed to initiate interim close-out procedures by the January 17, 2023 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, the requests for extension of invoice filing assignment deadlines of Fox Television Stations, LLC; WLS-TV, Chicago, Illinois; and NBC Telemundo License LLC; **ARE GRANTED**. The invoice filing assignment deadlines for WFLD, Chicago, Illinois; WLS-TV, Chicago, Illinois; and WMAQ-TV, Chicago, Illinois **ARE MODIFIED TO January 17, 2023**.

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

¹⁴ See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.