



Federal Communications Commission
Washington, D.C. 20554

September 16, 2022

VPM Media Corporation
Mark Spiller
23 Sesame Street
Richmond, VA 23235
msspiller@vpm.org
(via electronic mail)

Re: Request for Invoice Deadline Extension
WVPT(TV), Staunton, VA
Facility ID No. 60111
LMS File No. 0000199131

Dear Licensee,

On September 1, 2022, VPM Media Corporation (VPM or Licensee), licensee of WVPT(TV), Staunton, Virginia (WVPT or Station), filed the above captioned request (Request)¹ 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, 2022,² to a new filing deadline of January 17, 2023. For the reasons below, we grant Licensee's Request and extend the date of the Station's invoice filing deadline 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 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

¹ LMS File No. 0000199131, Attach. (Request).

² See *TV Broadcaster Relocation Fund Invoice Filing Deadline Approaches In Sixty Days*, Public Notice, DA 22-72, para. 4 (rel. 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 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.

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

Station WVPT requested – and received – an extension of the March 2022 invoice filing assignment deadline to the September 6, 2022 invoice filing assignment deadline.⁸ The Station transitioned to its post-auction channel, channel 12, using interim facilities while it awaits Commission approval to change channels to channel 15 and begin construction of its permanent post-auction channel facilities.⁹ Because the Station operates in the National Radio Quiet Zone (NRZQ), VPM asserts that it was necessary obtain a letter of concurrence from the National Radio Astronomy Observatory (NRAO). This process took more than a year¹⁰ and VPM received the concurrence letter on August 17, 2022. VPM then amended its Petition for Rulemaking to change the table of allotments, and on September 1, 2022, the Commission issued the necessary order announcing the channel substitution.¹¹ The Station now awaits publication of the Commission’s order in the Federal Register, after which it will file a construction permit for the channel 15 facility.¹² Because the Station only recently obtained concurrence related to the technical configuration of the Channel 15 facilities, VPM states that it has, up to this point, been unable to procure equipment or coordinate the construction logistics but reports that those efforts are now underway (pending FCC issuance of a channel 15 construction permit).¹³ Licensee contends that these circumstances were beyond its control and requests that that Commission shift WVPT’s reimbursement deadline to January 17, 2023.

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 September 6, 2022 invoice filing assignment deadline to January 17, 2023. 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

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 Letter from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to VPM Media Corporation, LMS File No. 0000181772 (Mar. 8, 2022).

⁹ See LMS File No. 0000176742. WVPT was repacked from channel 11 to channel 12 and operates channel 12 on a shared basis with WVPY(TV), New Market, Virginia.

¹⁰ Request at 1.

¹¹ *Amendment of Section 73.622(j), Table of Allotments, Television Broadcast Stations (Staunton, Virginia)*, MB Docket 21-248, RM-11910, Report and Order, DA 22-919, para. 1 (MB rel. Sept. 1, 2022).

¹² *Id.*

¹³ *Id.*

and initiate close-out procedures as early as possible without waiting for the final January 17, 2023 filing 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.”¹⁴ 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 January 17, 2023 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 close-out procedures prior to July 3, 2023.¹⁵ The Fund Administrator will initiate close out procedures if the Station fails 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, VPM Media Corporation’s request for extension of invoice filing assignment deadline **IS GRANTED**. The invoice filing deadline for WVPT, Staunton, Virginia, **IS MODIFIED TO January 17, 2023**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Ari Meltzer, Esq.

¹⁴ 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.”).

¹⁵ *See Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.