



Federal Communications Commission
Washington, D.C. 20554

June 13, 2023

Eagle Broadcasting Group, Inc.
Charles E. Jones
227 E. Main Street
Jackson, OH 45640
fred@xenirad.com
(via electronic mail)

Re: Request for Invoice Deadline Extension for
WTZP-LD, Portsmouth, Ohio
Facility ID No. 68009
LMS File No. 0000199411

Dear Licensee,

On September 6, 2022, Eagle Broadcasting Group, Inc. (Licensee), licensee of WTZP-LD, Portsmouth, OH (Station or WTZP), filed the above-captioned request (Request)¹ for extension of the September 6, 2022, invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimbursement Fund or Fund) to March 6, 2023. Due to administrative oversight, the Video Division of the Media Bureau did not act on the Request until now. At this remove in time, we grant Licensee's Request, as modified, and set a final invoice filing deadline of June 30, 2023.

We caution Licensee, however, that we do not anticipate granting any further extension and remind Licensee that it must complete the Reimbursement Fund close-out process prior to the July 3, 2023 date, when unobligated funds are rescinded to the U.S. Treasury and no longer available for reimbursement. To facilitate Licensee's timely close-out, WTZP should therefore prepare to swiftly initiate close-out procedures, process all close-out instructions received from Fund Administrator expeditiously and, when WTZP submits invoices for reimbursement on or after the date of this letter, also submit proof for each invoice that WTZP has paid the vendor. This will expedite the close-out process.

Background. Pursuant to Commission 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 were required to submit all remaining invoices and supporting documentation, 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

¹ LMS File No. 0000199411 and Attach. (Request) (filed Sept. 6, 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).

means of shifting an entity with the second invoice filing assignment deadline to the third and final invoice filing assignment deadline on September 6, 2022.³ 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.⁴ We further stated we would not grant extensions that do not provide the staff with sufficient processing time to complete close-out procedures for all stations.⁵ 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.⁶

In its Request, Licensee states that WTZP “is and for some time has been” operating from its new channel.⁷ Licensee notes, however, that unanticipated circumstances had caused it “to have to borrow and install interim equipment and operate WTZP at reduced power from authorized parameters.”⁸ Licensee also states that supply-chain problems delayed the arrival of the equipment required to complete construction and resume full-power operation (e.g., transmission line, transmitter, and antenna).⁹ Licensee further states that WTZP is located on a tower owned by a third party and under the terms of the tower lease, WTZP is financially responsible for various remaining tower work that is required for WTZP to finalize its final displacement facilities.¹⁰ Licensee states it had to file a Notice of Alteration with the FAA, as well as a subsequent update to the ASR to reflect the new FAA Air Study number that will be issued to cover the addition of WTZP’s final displacement facilities to the tower.¹¹ Accordingly, Licensee asks that WTZP’s invoice submission deadline be extended.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Station’s September 6, 2022, invoice filing deadline. Licensee has provided evidence that circumstances beyond its control justify an extension. We also find that this final 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, particularly if WTZP provides proof of payment for all invoices it submits as of the date of this letter. We therefore conclude that the public interest will be served by grant of the extension.

WTZP should diligently pursue submission of all remaining invoices and any estimates as early as possible without waiting for the June 30, 2023, final invoice filing deadline, **and should submit proof of payment for each invoice that WTZP submits on or after the date of this letter.** We remind WTZP that pursuant, to the Spectrum Act, the Station is eligible for reimbursement of costs “reasonably

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

⁴ *Id.*

⁵ *Id.*

⁶ *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).

⁷ Request at Attach. at 1.

⁸ See *id.*

⁹ *Id.*

¹⁰ *Id.* at 2.

¹¹ *Id.*

incurred . . . in order for the licensee to relocate its television service from one channel to the other.”¹² 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 also caution WTZP that we do not anticipate allowing further extensions of the final June 30, 2023, invoice filing deadline. A station’s failure to timely submit all estimates or any pending invoices by its filing deadline could preclude that station from receiving full reimbursement. Unobligated amounts in the Fund must be rescinded to Treasury on July 3, 2023, and Commission staff (with the support of the Fund Administrator) must have sufficient time to fully process all invoices and any estimates that, if approved, could obligate and allocate funds to the station.¹³

In consideration of the above facts, the request for extension of the invoice filing assignment deadline for Station WTZP-LD **IS GRANTED**. The invoice filing assignment deadline for the Station **IS MODIFIED TO June 30, 2023**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Patrick Cross, Esq., counsel (pcross@brookspierce.com)

¹² 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.”).

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