



Federal Communications Commission
Washington, D.C. 20554

January 10, 2023

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

Re: Request for Invoice Deadline Extension
WFLD(TV), Chicago, IL
Facility ID No. 22211
LMS File No. 0000205911

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. 0000205966

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. 0000205968

Dear Licensees,

On December 27, 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 to extend the Broadcasters' current, final invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimbursement Fund or Fund) from January 17, 2023, to April 17, 2023.² For the reasons discussed below, we grant the Willis Broadcasters' Requests and extend the date of the Broadcasters' invoice filing deadlines to April 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. 0000205911 and Attach. (Willis Stations – Reimbursement Invoice Submission Extension Request (REDACTED) (supplemented on Dec. 27, 2022 at Attach. A) (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 39-month post-auction transition period, the deadline for submitting all remaining invoices is October 8, 2021; 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 faces 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 invoice filing assignment deadline on September 6, 2022.⁴ 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 both the March 2022 and September 2022 invoice filing assignment deadlines to the Broadcasters’ current deadline of January 17, 2023.⁸ The Broadcasters, which have transitioned to and are operating on their post-auction channels from either interim or auxiliary facilities, state they will incur repack expenses for work required after the January 17, 2023 deadline primarily because of, *inter alia*, delays associated with supply chain challenges.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 prior requests, 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).¹⁰ The Tower also must obtain approval from 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) (extending the invoice filing assignment deadlines for the Willis Broadcasters from March 22 to September 6, 2022); Letter from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to WLS Television, Inc. et al., LMS File No. 0000196981 (Aug. 31, 2022) (extending the invoice filing deadlines for the Willis Broadcasters from September 6, 2022 to January 17, 2023).

⁹ See Requests, Attach. at 1-2.

¹⁰ Willis reports that the Bureau staff’s July 19, 2022 letter to the City to advise the City of the July 3, 2023 statutory deadline has been instrumental in expediting the City’s approval process; according to Willis Tower, “the City has been more cooperative and responsive in connection with the helicopter permitting process” since receiving that letter, although the Broadcasters note that the scheduling of lifts has historically been limited to Sunday mornings between 8:00 a.m. and 11:00 a.m. and that delays continue. See Requests, Attach. at 4-5 and n.18.

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 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.

The Broadcasters' Requests describe a number of exceptional circumstances, including difficulties in obtaining the necessary steel components due to global supply-chain shortages, which are outside of the control of the Broadcasters.¹¹ With respect to supply shortages, the Broadcasters state that ROHN, the company that is fabricating the WFLD/WMAQ wedding cake antenna mount and top plate steel assembly, has had difficulty procuring certain materials necessary to complete fabrication and has received some materials that failed to meet applicable specifications.¹² The Broadcasters state that ROHN advised Willis Tower that as of December 7 it is still experiencing delays in providing the wedding cake mount due to a worldwide delay of rolled steel delivery, as well as ROHN's need to procure specific material that fits the engineering specifications of the project.¹³ According to the Broadcasters, ROHN has been testing material for the last 6-8 months, has narrowed down the options to three raw parts, and indicates that it is in the process of testing a sample of one material with a metallurgist company for review on December 16, 2022, which will take at least another three weeks to complete.¹⁴

The Broadcasters report that the remaining work will require at least four additional helicopter lifts. The Broadcasters note that the lifts will remove and install various equipment (e.g., antennas, antenna mounts) that affect the structural loads of the lifts. It is therefore generally necessary to perform the lifts in a particular sequence such that if one lift is delayed, the entire sequence may be delayed.¹⁵ The Broadcasters further report that, after several scheduled helicopter lifts were delayed due to weather or permitting issues, a lift scheduled for December 11, 2022, had to be postponed again because of the unavailability of steel components essential to securing the equipment that will be installed during the lift.¹⁶ The Broadcasters state that Willis Tower has confirmed that City officials are promptly issuing permits needed for helicopter lifts, and Willis Tower has reserved helicopters for both scheduled and fallback dates beginning on the last Sunday in January (potentially for the WLS Main Antenna installation) and continuing through February 2023.¹⁷

Additionally, the Broadcasters state that Willis Tower has been working to identify measures to expedite the timeline to complete the repack project, mitigate further delays, and develop contingency plans if such delays nonetheless occur, as reflected in updated materials added to Attachment A of the Requests.¹⁸

Given this unique series of events, the Willis Broadcasters state that they will not incur all costs associated with completing the repack of their respective facilities by their current January 17, 2023,

¹¹ See Requests, Attach. at 4-5.

¹² *Id.* at 5.

¹³ *Id.*

¹⁴ See *id.*

¹⁵ See *id.* at

¹⁶ *Id.* at 5-6.

¹⁷ *Id.* at 6.

¹⁸ *Id.* at 6; Attachment A.

deadline. For the reasons stated above, they contend a limited extension of the invoice submission deadline – to April 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 deadlines from January 17, 2023, to April 17, 2023. The Willis Broadcasters have demonstrated that circumstances beyond their control require the extensions. 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 extensions. We strongly encourage the Willis Broadcasters to diligently pursue submission of all remaining invoices and any estimates as early as possible without waiting for this invoice filing deadline of April 17, 2023. 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."¹⁹ 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 this final April 17, 2023, filing deadline. A station's failure to timely submit all estimates or any pending invoices by the 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 stations.²⁰

In consideration of the above facts, the requests for extension of the invoice filing deadlines of Fox Television Stations, LLC; WLS-TV, Chicago, Illinois; and NBC Telemundo License LLC; **ARE GRANTED**. The deadlines for filing estimates, and any invoices pending as of April 17, 2023, for WFLD, Chicago, Illinois; WLS-TV, Chicago, Illinois; and WMAQ-TV, Chicago, Illinois **ARE MODIFIED TO April 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

¹⁹ 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.").

²⁰ See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.