



Federal Communications Commission  
Washington, D.C. 20554

February 10, 2023

Major Market Broadcasting of New York Inc.  
Ravi Kapur  
2383 Pruneridge Avenue  
Suite 4  
Santa Clara, CA 95050  
[FCC@chicago22.com](mailto:FCC@chicago22.com)  
(via electronic mail)

Re: Request for Invoice Deadline Extension for  
W41DO-D, New York, New York  
Facility ID No. 60554  
LMS File No. 0000206069

Dear Licensee,

On December 30, 2022, Major Market Broadcasting of New York Inc. (MMBNY or Licensee), licensee of W41DO-D, New York, NY (Station or W41DO), filed the above-captioned request (Request)<sup>1</sup> for extension of W41DO's prior invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimbursement Fund or Fund) of December 31, 2022, to a new filing deadline of March 1, 2023. For the reasons discussed below, we grant the Request and extend the date of the Station's invoice filing deadline to March 1, 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.<sup>2</sup> 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 invoice filing assignment deadline on September 6, 2022.<sup>3</sup> 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

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<sup>1</sup> LMS File No. 0000206069 and Attach. (Request) (filed Dec. 30, 2022).

<sup>2</sup> 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).

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

submission deadline.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

Station W41DO requested – and received – an extension of the September 6, 2022, invoice filing assignment deadline to the Station’s current deadline of December 31, 2022.<sup>7</sup> That grant was based on Licensee’s explanation that, inter alia, the congested New York City market delayed selection of a new site until August 2, 2022, by which point W41DO had identified a spot on the Empire State Building (ESB) and modified its construction permit specifying that site as the Station’s permanent facilities.<sup>8</sup> Licensee further explained that the Station would operate on interim facilities at an alternate site (Trump Tower) while the Station concluded lease negotiations with ESB.<sup>9</sup> The Request states that the Station has concluded lease negotiations and is working to finalize its construction plan. Since the necessary equipment is already near the site, Licensee now expects to complete construction by the end of February 2023.<sup>10</sup> Licensee therefore requests an extension of the invoice filing deadline to March 1, 2023.

*Discussion.* Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Station’s current invoice filing deadline of December 31, 2022, to March 1, 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 MMBNY to diligently pursue submission of all remaining invoices and any estimates as early as possible without waiting for the March 1, 2023, final invoice filing deadline. We remind MMBNY that pursuant to the Spectrum Act, the Station is eligible for reimbursement of costs “reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other.”<sup>11</sup> 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.

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *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).

<sup>7</sup> See Letter from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to MMBNY (LMS File No. 0000199218) (Sept. 29, 2022).

<sup>8</sup> See *id.* and Request at 2.

<sup>9</sup> Request at 2-3. Licensee notes that the Station’s special temporary authority to operate from the Trump Tower site expires February 27, 2023. *Id.* at 3. See also LMS No. 0000198485 (engineering STA; granted Aug. 29, 2022).

<sup>10</sup> See Request at 2-5.

<sup>11</sup> 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.”).

**We caution the Station that we do not anticipate allowing further extensions of the final March 1, 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 stations.<sup>12</sup>

In consideration of the above facts, the request for extension of the invoice filing assignment deadline for Station W41DO-D **IS GRANTED**. The invoice filing assignment deadline for the Station **IS MODIFIED TO March 1, 2023**.

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Dennis P. Corbett, Esq., counsel ([dcorbett@tlp.com](mailto:dcorbett@tlp.com))

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<sup>12</sup> See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.