



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](mailto:ann.bobeck@fox.com)  
(via electronic mail)

Re: Request for Invoice Deadline Extension  
KTVU(TV), Oakland, CA  
Facility ID No. 35703  
LMS File No. 0000196844

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

Re: Request for Invoice Deadline Extension  
KGO-TV, San Francisco, CA  
Facility ID No. 34470  
LMS File No. 0000196868

San Francisco Television Station KBCW Inc.  
Daniel G. Ryson  
2020 M. St., NW - Licensing Department  
Washington, DC 20036  
[dryson@cbs.com](mailto:dryson@cbs.com)  
(via electronic mail)

Re: Request for Invoice Deadline Extension  
KBCW(TV), San Francisco, CA  
Facility ID No. 69619  
LMS File No. 0000196888

RNN National, LLC  
Christian French  
800 Westchester Avenue  
Suite 640  
Rye Brook, NY 10573  
[cfrench@rmntv.com](mailto:cfrench@rmntv.com)  
(via electronic mail)

Re: Request for Invoice Deadline Extension  
KCNS(TV), San Francisco, CA  
Facility ID No. 71586  
LMS File No. 0000196963

Rural California Broadcasting Corporation  
Darren LaShelle  
5850 Labath Avenue  
Rohnert Park, CA 94928  
[Darren\\_LaShelle@norcalpublicmedia.org](mailto:Darren_LaShelle@norcalpublicmedia.org)  
(via electronic mail)

Re: Request for Invoice Deadline Extension  
KPJK(TV), San Mateo, CA  
Facility ID No. 58912  
LMS File No. 0000197061

Dear Licensees,

On August 3, 2022, Fox Television Station LLC, licensee of KTVU, Oakland, California (KTVU); KGO Television, Inc., licensee of KGO-TV, San Francisco, California (KGO); and San Francisco Television Station KCBW Inc., licensee of KCBW, San Francisco, California (KCBW) (collectively the Sutro Broadcasters) filed the above-captioned requests<sup>1</sup> for extension of the

---

<sup>1</sup> See, e.g., LMS File No. 0000196844 and Attach. (Sutro Tower Stations – Reimbursement Invoice Submission Extension Request (Redacted) (“Request”)).

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,<sup>2</sup> to a new invoice filing deadline of January 17, 2023. On August 3 and 5, 2022, RNN National LLC, licensee of KCNS(TV), San Francisco, California, and Rural California Broadcasting Corporation, licensee of KPJK(TV), San Mateo, California, respectively, filed similar requests as captioned above; these requests cite the Sutro Broadcasters' requests in support of the KCNS and KPJK (the Stations) requests to extend the September 6, 2022 deadline to January 17, 2023. For the reasons below, we grant the Sutro Broadcasters' and the Stations' requests (Requests) and extend the date of the Sutro Broadcasters' and Stations' 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.<sup>3</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 is 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 (September 6, 2022) invoice filing assignment deadline.<sup>4</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 submission deadline.<sup>5</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>6</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>7</sup>

---

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

<sup>3</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>4</sup> See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.

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

<sup>6</sup> *Id.*

<sup>7</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).

The Sutro Broadcasters and Stations requested – and received – extensions of the March 2022 invoice filing assignment deadline to the September 6, 2022 invoice filing assignment deadline for their respective stations.<sup>8</sup> The Sutro Broadcasters and Stations, which have transitioned to and are operating from their post-auction channels, state that they will incur repack expenses after the September 6, 2022 deadline because the Sutro Tower (Tower), which is owned by a third party, Sutro Tower, Inc. (STI), is still working to obtain permits and consents from the city of San Francisco (City) for remaining work.<sup>9</sup> Thus, despite diligent efforts to obtain the necessary permits and consents, Sutro Broadcasters state that the ongoing delays are circumstances beyond their and the Stations’ control.

As noted in their prior extension request, the Tower is located in a residential area of San Francisco and must comply with local zoning, land use and permitting laws and regulations. The Sutro Broadcasters state that the primary reason they have been unable to make all of the required structural improvements, and thus complete the repack process, is due to the fact that, despite the efforts of STI (working on behalf of tenants such as the Sutro Broadcasters), the City has not yet approved the long-pending application to implement required improvements through the cladding elimination.<sup>10</sup>

The Sutro Broadcasters, along with STI, sought authority from the City in 2017 to replace the broadcast antennas used by the repacked Stations and remove the architectural cladding existing on the vertical legs of the Tower to reduce weight and lessen wind loading in compliance with local wind and seismic standards. Two years of discussions with the City, local politicians, and neighborhood stakeholders did not generate the requisite approvals. But the City accepted a modified repack application that bifurcated the required work into two parts which allowed the Sutro Broadcasters and Stations to meet their deadlines for transitioning to their post-auction channels while they continued to work to meet several conditions.

The Sutro Broadcasters state that despite their best efforts, STI continues to encounter significant obstacles in obtaining City approvals for the cladding elimination structural improvements due to the City’s efforts to designate Sutro Tower a historical resource. Since grant of their prior extension request, Sutro Broadcasters state that STI has worked with the City to secure a hearing date on a pending application to replace horizontal cladding on Sutro Tower with stronger material attached with sturdier fasteners (Horizontal Cladding Application), part of the structural upgrade process. Sutro Broadcasters report progress, in that STI has secured a Planning Department commitment to discuss all the outstanding repack-related applications at the Horizontal Cladding Application hearing, but the hearing has been scheduled and then delayed by the City at least four times in 2022, and as of the date of the Request was scheduled for August 25. Sutro Broadcasters further state that they expect City approval of the cladding elimination application by mid-September,<sup>11</sup> and that approval of that application will permit completion of structural improvements to Sutro Tower and its compliance with the City’s requirements. However, the Sutro Stations note that the project will still need to undergo environmental review before the City actually grants the Cladding Elimination Application and issues the associated permit, and that work

---

<sup>8</sup> See, e.g., Letter from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to KGO Television, Inc., et al., LMS File No. 0000185003 (Mar. 21, 2022) (granting request to extend the invoice filing assignment deadlines for the Sutro Broadcasters from March 22 to September 6, 2022).

<sup>9</sup> See, e.g., LMS File No. 0000196844, Attach. at 1-2.

<sup>10</sup> *Id.* at 2-4.

<sup>11</sup> *Id.* at 3.

associated with the approvals obtained will result in the Sutro Broadcasters and Station's incurring costs into the Spring of 2023.<sup>12</sup>

The Sutro Broadcasters state they have been submitting all invoices as they are received, and will submit invoices for this work as early as possible, but they currently anticipate that invoices relating to the Horizontal Cladding Application will not be available for submission until well after the September 6 deadline. Thus, despite their best efforts, the Sutro Broadcasters and Stations state they will not be able to provide all invoices for remaining Tower work and related expenses by the September 2022 deadline.

*Discussion.* Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Sutro Broadcasters' and Stations' invoice filing assignment deadline from the September 6, 2022 invoice filing assignment deadline to January 17, 2023. The Sutro Broadcasters and Stations have demonstrated that circumstances beyond their control require the extension. We also find that granting the Requests is not likely to negatively impact the staff's ability to process the Sutro Broadcasters' and Stations' 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 Sutro Broadcasters and Stations to diligently pursue submission of all remaining invoices and initiate close-out procedures as early as possible without waiting for this invoice filing assignment deadline of January 17, 2023. We remind the Sutro Broadcasters and the Stations 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."<sup>13</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.

**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 prior to July 3, 2023.<sup>14</sup> 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 Station LLC; KGO Television, Inc.; San Francisco Television Station KCBW Inc.; RNN National, LLC; and Rural California Broadcasting Corporation **ARE GRANTED**. The invoice filing assignment deadlines for KTVU, Oakland, California; KGO-TV, San Francisco, California;

---

<sup>12</sup> *Id.* at 5-6, nn.7, 18-21.

<sup>13</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.").

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

KCBW, San Francisco, California; KCNS, San Francisco, California; and KPJK, Mateo, California, **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](mailto:Susan.Fox@disney.com)  
Martha E. Heller, VP, Paramount Global, at [martha.heller@viacomcbs.com](mailto:martha.heller@viacomcbs.com)  
Christina Burrow, Esq., at [cburrow@cooley.com](mailto:cburrow@cooley.com)  
Margaret L. Miller, Esq., at [mmiller@graymillerpersh.com](mailto:mmiller@graymillerpersh.com)