



Federal Communications Commission
Washington, D.C. 20554

September 9, 2022

Window to the World Communications, Inc.
Eshed Halpern
5400 North St. Louis Ave.
Chicago, IL 60625
ehalpern@wttw.com
(via electronic mail)

Re: Request for Invoice Deadline Extension
WTTW(TV), Chicago, IL
Facility ID No. 10802
LMS File No. 0000199117

Dear Licensee,

On September 1, 2022, Window to the World Communications, Inc. (Licensee), licensee of WTTW(TV), Chicago, Illinois (WTTW 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, to a new invoice filing assignment deadline of January 17, 2023.² For the reasons below, we grant Licensee's Request and extend the date of the Station's invoice filing assignment 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

¹ LMS File No. 0000199117, Attach. (incorporating by reference the invoice extension request (Broadcasters' Request) filed by other Willis Tower broadcasters, e.g., WLS, et al. (together Broadcasters) on Aug. 4, 2022).

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 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.

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

Station WTTW requested – and received – an extension of the March 2022 invoice filing assignment deadline to the September 6, 2022 invoice filing assignment deadline.⁸

As described in the Broadcasters' Request, Willis Tower (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).⁹ The Tower also must obtain approval from the 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 the Tower and its engineering firm.¹⁰

In its Request, WTTW documents exceptional circumstances, including weather-related delays as recently as July 17, 2022, and difficulties in obtaining the type of heavy-lift helicopters and the required permits and approvals from the City and the CPD, that have delayed the completion of the final post-auction facilities for the Broadcasters. Specifically, as thoroughly explained in the Broadcasters' Request, only one helicopter lift actually occurred this year, out of eight lifts scheduled since the beginning of 2022; five were canceled because local officials either denied or failed to issue the necessary permits, and two were canceled due to unsafe weather conditions.¹¹ The Broadcasters' Request further states that, as of August, they are close to securing a heavy-lift helicopter vendor, but that the vendor may not be able to provide service until November, when it will no longer be on call to respond to California wildfires.¹² Given this unique series of events, WTTW states that it has not yet incurred all costs associated with the repack of its facilities. Thus, WTTW contends that a limited extension of the invoice submission deadline — from September 6, 2022 to January 17, 2023 — is warranted.

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 WTTW Television, Inc., LMS File No. 0000185061 (Mar. 24, 2022).

⁹ *Id.* at 1.

¹⁰ See Broadcasters' Request.

¹¹ *Id.* at 4-5.

¹² *Id.* at 5.

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 and initiate close-out procedures as early as possible without waiting for the January 17, 2023 invoice filing assignment deadline. We remind 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."¹³ 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 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, 2023.¹⁴ The Fund Administrator will initiate close out procedures if the Station 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, Window to the World Communications, Inc.'s request for extension of invoice filing assignment deadline **IS GRANTED**. The invoice filing assignment deadline for WTTW(TV), Chicago, Illinois, **IS MODIFIED TO January 17, 2023**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Margaret L. Miller, Esq., at mmiller@graymillerpersh.com

¹³ 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.").

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