



Federal Communications Commission
Washington, D.C. 20554

January 19, 2024

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. 0000217054

Dear Licensee,

On June 22, 2023, 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 Station's prior final invoice filing deadline of January 17, 2023, to a new invoice filing deadline of August 31, 2023.² During the pendency of the request, WTTW has continued to file additional invoices, including two submitted in January 2024. No invoices related to the actual construction of WTTW – which filed its license to cover in October 2021 – have been received since August 2023. For the reasons discussed below, we grant in part Licensee's Request and extend the date of the Station's invoice filing deadline to permit processing of invoices submitted for the Station's repack expenses incurred on or before June 29, 2023, and submitted for reimbursement by August 31, 2023.

Background. Pursuant to Commission direction, the Incentive Auction Task Force and Media Bureau set deadlines for final invoice submission to the Fund using a phased assignment approach.³ We stated that we did not anticipate a need to grant extensions because the first deadline was more than a year after the July 13, 2020, statutory end of the transition period. We noted, however, that if an entity faced circumstances beyond its control we could consider a limited extension by means of shifting that entity's assigned deadline to a subsequent filing assignment deadline.⁴ An entity requesting such a shift was required to provide evidence that circumstances requiring the extension were outside of its control.⁵ We further stated we would not grant extensions that do not provide the staff with sufficient processing time

¹ LMS File No. 0000217054, Attach.

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: October 8, 2021; March 22, 2022; and September 6, 2022).

⁴ See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para. 13. The last deadline was September 6, 2022.

⁵ *Id.*

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 third and final September 6, 2022 deadline, and that we did not anticipate further extensions, 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 extension.⁷

Station WTTW requested and received extension of the March 2022 invoice filing assignment deadline to the September 6, 2022, filing deadline, which was further extended to January 17, 2023.⁸ As described in Licensee's 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.⁹ Licensee states that despite the fact that its station, WTTW, completed construction of its own repack facilities in October 2021, the Tower needs additional time to complete the repack process for other broadcasters located on the Tower, and to issue final invoices for shared expenses.¹⁰ Licensee cites some remaining repack work the other stations on the Tower need to complete, such as helicopter lifts of new equipment; tower reinforcement; subsequent equipment testing; and dismantling of old antennas and support structures.¹¹ Licensee notes that this work has been delayed "due to steel shortages, failure to receive permits from the City of Chicago, and unsafe weather conditions, and is not expected to be complete until July 2023, weather permitting."¹² Licensee states that it anticipates it will incur additional expenses related to the remaining repack work being undertaken by other stations, such as costs associated with having union staff present at the Tower during each of the upcoming helicopter lifts in order to shut down WTTW's equipment during the lifts, monitor WTTW's equipment, and then reboot its systems for on-air transmissions after being shut down.¹³ WTTW states it has not received (and cannot submit) all of its reimbursable repack invoices due to circumstances beyond WTTW's control. Licensee therefore requested an extension until August 31, 2023.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Station's January 17, 2023, invoice filing deadline to permit the Station to be reimbursed for the Station's reasonable repack expenses incurred on or before June 29, 2023, and that were submitted on or before August 31, 2023, for work related to the Station's post-incentive auction channel change. Licensee has demonstrated that circumstances beyond its control warrant the extension. We also find that processing invoices submitted by August 31, 2023, 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 granting the requested extension. We decline to extend the Station's invoice filing deadline further, recognizing that the Station

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 Letters from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to WTTW Television, Inc., LMS File Nos. 0000185061 and 0000199117 (Mar. 24, 2022; Sept. 9, 2023, respectively).

⁹ Request, Attach. at 1.

¹⁰ *Id.* at 2.

¹¹ *Id.* at 1.

¹² *Id.*

¹³ *Id.* at 2.

transitioned to its final post-auction facilities on October 15, 2021, and any ongoing construction at Willis relates to the facilities of other stations. 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.”¹⁴ Additional expenses incurred, such as expenses resulting from changes in a Station’s transition plan that are not related to the Station’s post-incentive auction channel change, may not be reimbursable from the Fund. The Station has provided no support for the reimbursement of expenses related to construction of its own transition facilities beyond the extension granted herein. Monitoring the construction of other collocated stations does not support a further extension.

In consideration of the above facts, Window to the World Communications, Inc.’s request for extension of invoice filing assignment deadline **IS GRANTED IN PART**. The invoice filing assignment deadline for WTTW(TV), Chicago, Illinois, **IS MODIFIED TO permit the payment of invoices for work incurred on or before June 29, 2023, and that were submitted for reimbursement on or before August 31, 2023.**

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

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

¹⁴ 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.”).