



Federal Communications Commission
Washington, D.C. 20554

June 25, 2015

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RE: Request for Extension of Pre-Auction Licensing Deadline, Station WKEF(TV), Dayton, OH
(Facility ID 73155)

Dear Counsel:

On December 23, 2014, Section 73.622(i) of the Commission's rules¹ was amended to change the channel for Station WKEF(TV), Dayton, Ohio, licensed to WKEF Licensee, LLC (collectively "WKEF") from channel 51 to channel 18 in order to eliminate potential interference to and from wireless operations in the Lower 700 MHz A Block.² On May 29, 2015 WKEF filed a request for at least a sixty (60) day extension of Pre-Auction Licensing Deadline in order to complete construction of its new facility on channel 18 ("substitute facility").³ For the reasons set forth below, we grant WKEF a sixty (60) day extension of the Pre-Auction Licensing Deadline – until **July 28, 2015**.⁴

The Media Bureau designated May 29, 2015, as the Pre-Auction Licensing Deadline;⁵ the date by which full power and Class A facilities must be licensed in order to be eligible for protection in the repacking process and relinquishment of spectrum usage rights in the reverse auction. WKEF has requested an extension of this deadline. Although WKEF was granted a construction permit for its substitute facility on February 12, 2015, WKEF contends that because its current antenna is located on a leased tower with other television antennas, the tower owner, American Tower LLC, "delayed all tower modifications until a tower coordination could be undertaken after the May Sweeps."⁶ According to WKEF the necessary tower coordination is now complete, and as of the date it filed its extension request a tower crew was scheduled to begin work on tower modifications and it was anticipating delivery of its

¹ 47 C.F.R. § 73.622(i).

² *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Providence, Rhode Island)*, MB Docket No.15-98, RM 11748, Report and Order, DA 15-621 (rel. May 22, 2015); 80 Fed. Reg. 30630 (May. 29, 2015). WKEF was granted a construction permit for its channel 18 facility on February 12, 2015. See FCC File No. 0000001058.

³ Request for Extension of Incentive Auction Protection Cutoff filed by WKEF Licensee, LLC (May 29, 2015)("Request").

⁴ See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6656, para. 195 and n.646 (2014)("Incentive Auction R&O")(delegating authority to the Media Bureau to specify the Pre-Auction Licensing Deadline).

⁵ *Media Bureau Designates May 29, 2015 as Pre-Auction Licensing Deadline*, Public Notice, 30 FCC Rcd 393 (MB 2015).

⁶ Request at p. 3-4.

channel 18 antenna to its tower site “in approximately 30 days.”⁷ WKEF anticipates installation of its new channel 18 antenna “by the end of July.”⁸

In furtherance of the Commission’s interest in facilitating broadcaster’s moves off channel 51,⁹ we will provide a one-time, limited sixty (60) day extension of the Pre-Auction Licensing Deadline in order to facilitate construction of WKEF’s substitute facility. In order for its substitute facility to be eligible for protection in the repacking process and relinquishment in the reverse auction, WKEF must file a license to cover application for its substitute facility by **July 28, 2015**.¹⁰ Should the Licensee fail to meet this deadline, only WKEF’s license authorization on file with the Commission as of May 29, 2015, as listed in the Appendix to the *Eligibility PN*, will be considered for purposes of the incentive auction.¹¹ While we understand the complexities involved in facilitating a chain move, failing to complete construction of its substitute facility by **July 28, 2015**, would undermine our ability to ensure a stable database and prepare for the reverse auction and repacking process.¹²

Furthermore, in order to prevent delays in our preparation for the incentive auction, we require WKEF to file a Pre-Auction Technical Certification Form (FCC Form 2100, Schedule 381) for the current eligible facility listed in the Appendix to the *Eligibility PN* by **July 9, 2015**.¹³ Assuming WKEF constructs its substitute facility by **July 28, 2015**, it will be required to amend its filed Pre-Auction Technical Certification Form and re-certify to the accuracy of the information in its new license authorization (or application for license to cover), as well as all underlying database technical information.¹⁴ It must also make any necessary corrections to the equipment information it provided

⁷ Request at p. 4.

⁸ *Id.*

⁹ See *Incentive Auction R&O*, 29 FCC Rcd at 6659, para. 203 (concluding that the minimal impact that protecting relocated channel 51 facilities would have on the Commission’s repacking flexibility is outweighed by the public interest benefit of clearing broadcast operations from channel 51 as expeditiously as possible in order to promote deployment of wireless broadband service in the 700 MHz A Block); see also *General Freeze on the Filing and Processing of Applications for Channel 51 Effective Immediately and Sixty (60) Day Amendment Window for Pending Channel 51 Low Power Television, TV Translator and Class A Applications*, Public Notice, 26 FCC Rcd 11409 (2011)(lifting the freeze on channel substitution rulemaking petitions for stations seeking to relocate from channel 51 pursuant to a voluntary relocation agreement).

¹⁰ Its substitute facility will then be deemed an “eligible facility” and reflected in the final baseline to be released by the Office of Engineering and Technology (“OET”) containing the final list of eligible stations. *Incentive Auction R&O*, 29 FCC Rcd at 6635, para. 145 (directing OET to release a detailed summary of baseline coverage area and population served by each television station to be protected in the repacking process).

¹¹ *Media Bureau Announces Incentive Auction Eligible Facilities and July 9, 2015 Deadline for Filing Pre-Auction Technical Certification Form*, Public Notice, DA 15-679, Appendix A, p. 30 (rel. Jun 9, 2015)(“*Eligibility PN*”)(listing FCC File No. BLCDDT-20100216ADG as the eligible facility for WKEF).

¹² See *Incentive Auction R&O*, 29 FCC Rcd at 6651, n. 615 (requiring broadcasters to verify and certify to the accuracy of information related to their eligible facility in order to ensure a stable, accurate database to facilitate the repack); *id.* at 6656, para. 195 and n. 646 (concluding that the establishment of a Pre-Auction Licensing Deadline is needed to ensure a “largely static view of facilities that will be protected in the repacking process”).


¹³ *Supra* note 11.

¹⁴ Pre-Auction Technical Certification Form, FCC Form 2100, Schedule 381 at Question 1. “Database Technical Information” means all underlying technical data that sets forth the operational parameters of the facility, including but not limited to the technical information that may be found in the Commission’s Consolidated Database System (as well as the successor Licensing Management System) and Antenna Registration System.

regarding its eligible facility.¹⁵ All amendments to its Pre-Auction Technical Certification Form must be filed by **July 31, 2015**.¹⁶

Accordingly, we **GRANT** the Request for Extension of Pre-Auction Licensing Deadline Pre-Auction Licensing Deadline and provide WKEF with a sixty (60) day extension – until **July 28, 2015**.

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹⁵ Pre-Auction Technical Certification Form, FCC Form 2100, Schedule 381 at Question 2.

¹⁶ *Incentive Auction R&O*, 29 FCC Rcd at 6651, n. 615 (delegating authority to the Bureau to develop and announce a deadline for filing a form for broadcasters to certify to the accuracy of Database Technical Information on file with the Commission).