



Federal Communications Commission
Washington, D.C. 20554

September 3, 2019

ION Media Knoxville License, Inc.
ION Media Jacksonville License, Inc.
ION Media License, LLC
ION Media Greenville License, Inc.
601 Clearwater Park Road
West Palm Beach, FL 33401

Re: Requests for Extension of
Construction Permit
WPXK-TV, Jellico, TN
WPXU-TV, Jacksonville, NC
WPXH-TV, Hoover, AL
WPXR-TV, Roanoke, VA
WEPX-TV, Greenville, NC
Facility ID Nos. 37971, 52628, 70251,
73312, and 81508
LMS File Nos. 0000074578,
0000074579, 0000074580, 0000074583
and 0000074585

Dear Licensees,

On June 7, 2019, ION Media Knoxville License, Inc., the licensee of Station WPXK-TV, Jellico, Tennessee (WPXK); ION Media Jacksonville License, Inc., the licensee of Station WPXU-TV, Jacksonville, North Carolina (WPXU); ION Media License, LLC, the licensee of Station WPXH-TV, Hoover, Alabama (WPXH); ION Media License Company, the licensee of Station WPXR-TV, Roanoke, Virginia (WPXR); and ION Media Greenville License, Inc., the licensee of Station WEPX-TV, Greenville, North Carolina (collectively "ION" and "Stations"), filed the above captioned applications seeking extensions of the Stations' construction permit expiration dates. For the reasons below, we grant ION's applications and extend the Stations' construction permit expiration dates 180 days to March 4, 2020.

Background. Pursuant to Section 73.3700(b)(5) of the Commission's rules, a station may request a single extension of its construction permit deadline of up to 180 days to complete construction of its post-auction facility.¹ Grant of an extension of the construction permit deadline does not alter the deadline by which a station must cease operating on its pre-auction channel. A station anticipating the need for an extension must submit an extension application using FCC Form 2100, Schedule 337, not less than 90 days before the assigned construction permit deadline.² For Phase 5 stations, such application was due by June 10, 2019. The application must demonstrate that the station is unable to complete

¹ See 47 CFR § 73.3700(b)(5). All subsequent requests for additional time to construct are subject to the Commission's tolling provisions, 47 CFR § 73.3598(b).

² 47 CFR § 73.3700(b)(5)(iv).

construction on time due to circumstances that were either unforeseeable or beyond the station's control.³

WPXK was repacked from channel 23 to channel 18; WPXU from channel 34 to channel 16; WPXH from channel 45 to channel 33; WPXR from channel 36 to 27; and WEPX from channel 26 to channel 36. All of the Stations were assigned to transition Phase 5, which has a phase completion date of September 6, 2019. The Stations pledge to cease operation on their pre-auction channels by the September 6, 2019 deadline and operate interim facilities on their post-auction channels while they complete construction of their permanent post-auction facilities.⁴ All repacked stations for Phase 5 were issued a construction permit with an expiration date of September 6, 2019.

ION explains that the Stations had intended to transition to their post-auction channels during Phase 5 using their permanent post-auction facilities, however they have experienced technical construction challenges resulting in significant repack delays. Instead, ION plans to cease operations on the Stations' pre-auction channels and utilize interim facilities to transition the Stations by the September 6th deadline. Therefore, due to unanticipated construction delays, ION seeks 180-day extensions.

Discussion. Upon review of the facts and circumstances presented, we find ION's requests to extend the construction permit deadlines to construct the Stations' post-auction facilities meet the requirements for a construction permit extension. ION has demonstrated that extensions are needed because of construction delays outside of its control. We also find that grant of these extension requests is not likely to negatively impact the overall transition schedule. The Stations will cease operations on their pre-auction channels by the September 6, 2019 deadline and will operate interim facilities on their post-auction channels. To the extent some viewers are unable to receive the Stations' signals while they operate interim facilities, we believe that ION has every incentive to ensure viewers are fully informed about the Stations' transition plans.

We remind ION that pursuant to the Spectrum Act, the Station is eligible for reimbursement from the TV Broadcast Relocation Fund (Fund) of costs "reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other."⁵ Additional expenses incurred, for instance, as a result of the grant of changes in the Station's transition plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund.

The above facts considered, ION Media Knoxville License, Inc., ION Media Jacksonville License, Inc., ION Media License, LLC, and ION Media Greenville License, Inc. applications for extension of construction permit expiration date **ARE GRANTED**. The construction permits (LMS File

³ The *Incentive Auction R&O* provides examples of six circumstances that might justify an 180-day extension of a station's post-auction construction permit: (1) weather related delays; (2) delays in construction due to the unavailability of equipment or a tower crew; (3) tower lease disputes; (4) unusual technical challenges; or (5) delays caused by the need to obtain government approvals, such as land use or zoning approvals, or to observe competitive bidding requirements prior to purchasing equipment or services; and (6) financial hardship with sufficient supporting evidence. See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268 et. al., Report and Order, 29 FCC Rcd 6567,6804-05, paras. 581-2 (2014) (*Incentive Auction R&O*); 47 CFR § 73.3700(b)(5)(ii) and (iii).

⁴ Although the Stations have yet to file for STAs for interim operations, Ion has pledged to do so.

⁵ See *Media Bureau Finalizes Reimbursement Form for Submission to OMB and Adopts Catalog of Expenses*, GN Docket No. 12-268, Public Notice, 30 FCC Rcd 11701, 11701-02 (MB 2015). 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.").

Nos. 0000068234, 0000072136, 0000071584, 0000068237 and 0000072563) for WPXK-TV, Jellico, Tennessee; WPXU-TV, Jacksonville, North Carolina; WPXH-TV, Hoover, Alabama; WPXR-TV, Roanoke, Virginia; and WEPX-TV, Greenville, North Carolina **ARE EXTENDED 180 days to March 4, 2020**. Grant of these extensions does not permit the Stations to recommence operation on their pre-auction channels after ceasing operation or after September 6, 2019, whichever occurs first. We also remind ION that any subsequent requests for extension of its construction permit deadline will be subject to the Commission's tolling provisions.⁶

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara A. Kreisman', with a long horizontal flourish extending to the right.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Ms. Bianca Frye

⁶ See 47 CFR § 73.3700(b)(5)(i) (referencing 47 § CFR 73.3598(b)).