



Federal Communications Commission  
Washington, D.C. 20554

August 16, 2019

Nexstar Broadcasting, Inc.  
Elizabeth Ryder  
545 E. John Carpenter Freeway  
Suite 700  
Irving, TX 75062

Re: Requests for Extension of  
Construction Permit  
WDVM-TV, Hagerstown, MD  
WTEN, Albany, NY  
WJET-TV, Erie, PA  
WFXQ-CD, Springfield, MA  
WIVT, Binghamton, NY  
Facility ID Nos. 2650, 11260, 25045,  
65749, and 74442  
LMS File Nos. 0000079221,  
0000079577, 0000079831, 0000079833  
and 0000079834

Dear Licensee,

On August 1, 2019, Nexstar Broadcasting, Inc. (Nexstar), the licensee of Stations WDVM-TV, Hagerstown, Maryland (WDVM); WTEN, Albany, New York (WTEN); WJET-TV, Erie, Pennsylvania (WJET); WFXQ-CD, Springfield, Massachusetts (WFXQ-CD) and WIVT, Binghamton, New York (WIVT) (collectively Stations), filed the above captioned applications seeking extensions of the Stations' construction permit expiration dates and waivers of the 90-day construction permit extension filing deadline. For the reasons below, we grant Nexstar's requests and extend the Stations' construction permit expiration dates 180 days to January 29, 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.<sup>1</sup> 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.<sup>2</sup> For Phase 4 stations, such application was due by May 6, 2019. The application must demonstrate that the station is unable to complete construction on time due to circumstances that were either unforeseeable or beyond the station's control.<sup>3</sup>

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<sup>1</sup> 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).

<sup>2</sup> 47 CFR § 73.3700(b)(5)(iv).

<sup>3</sup> 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