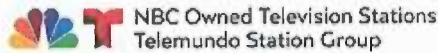


STAMP AND RETURN

**NBCUniversal**  
Owned Television Stations



September 17, 2014

ACCEPTED/FILED

SEP 17 2014

Federal Communications Commission  
Office of the Secretary

VIA HAND DELIVERY

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

**Re: Request for Tolling of Construction Period  
WNJU, Linden, New Jersey (FIN 73333)  
File No. BPCDT-20111220AFK**

Dear Ms. Dortch:

NBC Telemundo License LLC ("NBC Telemundo"), licensee of WNJU, Linden, New Jersey (FIN 73333), a Spanish-language station owned by NBCUniversal, affiliated with the Telemundo network and assigned to the New York DMA, hereby respectfully requests that the deadline for completing construction of the facilities authorized by File No. BPCDT-20111220AFK ("Empire State Building CP") be tolled due to circumstances beyond the control of NBC Telemundo pursuant to Section 73.3598(b) of the FCC's rules.

Background. On September 11, 2001, WNJU was operating from a transmitter site located at the World Trade Center pursuant to an analog license (File No. BLCT-19800423KG) when the station was forced off the air as a result of the destruction of the World Trade Center by terrorist attacks.<sup>1</sup> At that time, WNJU had a pending application for a digital construction permit specifying a transmitter site located at the World Trade Center (File No. BPCDT-19991004ABJ). Because the World Trade Center had been destroyed, WNJU ultimately amended the application to specify the Empire State Building as its transmitter site, and the application was granted by the FCC on September 24, 2002.

After the destruction of the World Trade Center, most of the television stations in the market eventually relocated to the Empire State Building, which led to congestion and constraints

<sup>1</sup> Most of the TV stations that had been located at the World Trade Center built temporary facilities after 9/11 near Alpine, New Jersey. WNJU operated from this location pursuant to an emergency special temporary authority shortly after 9/11. Pursuant to another emergency special temporary authority, WNJU began transmitting from the Empire State Building and used the Alpine facilities as an auxiliary antenna backup facility.

on the placement of antennas at the site. Due to difficulties in obtaining space on the Empire State Building tower for WNJU's digital antenna at that time, WNJU filed for and was granted a digital construction permit specifying a transmitter site located in West Orange, New Jersey (File No. BMPCDT-20080317ADM), which was licensed on February 2, 2010 (File No. BLCDT-20080514ADL). After WNJU began operating from the West Orange, New Jersey, site, however, the station received numerous complaints from viewers about poor reception. Although installation of a digital transmission system ("DTS") located at 4 Times Square helped, it did not resolve all of the complaints, and it did not resolve issues for viewers not served by the limited coverage from the DTS transmitter. In order to address these issues, WNJU filed for and obtained a grant of special temporary authority (STA) to operate from the Empire State Building with a side-mounted antenna with 750 kW ERP at 348 m HAAT (File No. BDSTA-20090724ACB) ("STA Facilities"). WNJU continues to operate with the STA Facilities pursuant to this STA, which was most recently extended by the FCC on July 8, 2014 (File No. BEDSTA-20131202CCX).<sup>2</sup> WNJU also filed for and obtained a grant of the Empire State Building CP to operate with a top-mounted antenna with 650 kW ERP at 438 m HAAT, the subject of the instant tolling request.

Request for Tolling. NBC Telemundo is unable to construct the Empire State Building CP facilities before the expiration date of the construction permit (December 21, 2014) due to circumstances beyond its control. The fundamental reason that WNJU is having difficulties in locating a suitable site and constructing the facilities to serve its viewers is a direct result of the destruction of the World Trade Center by the terrorist attacks on 9/11. Absent the attacks on 9/11, the station would have been able to construct its digital facilities at the World Trade Center, as contemplated.

Moreover, NBC Telemundo has been unable to complete construction of the Empire State Building CP because of complicated antenna space constraints at the Empire State Building. There is very little room on the Empire State Building tower and mooring mast, and the top-mount position on the tower is currently occupied. The tentative plan is for the landlord and New York broadcasters to develop a top-mounted shared antenna. However, before this can be done, a consensus needs to be reached among the New York broadcasters. As the FCC is aware, many of the TV stations that were once located at the World Trade Center before 9/11 are now operating from the Empire State Building, and some have pending construction permit applications to relocate to a new site in Lower Manhattan at One World Trade Center ("1 WTC"), near the site of the destroyed World Trade Center. As a result of the congested New York City market, it is necessary for most of the TV stations to co-locate at a site that will avoid interference among the

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<sup>2</sup> On the same day as the filing of the instant tolling request, NBC Telemundo will be filing an FCC 301 application for a construction permit specifying the STA Facilities ("STA Facilities CP"). Once the STA Facilities CP is granted, NBC Telemundo will promptly file an FCC 302-DTV license application to cover the construction permit. With respect to the application for the STA Facilities and the existing Empire State Building CP, NBC Telemundo respectfully requests that the FCC waive its Section 73.3518 conflicting applications rule to permit NBC Telemundo to temporarily hold both construction permits. The public interest will be served by a grant of this waiver as it will permit NBC Telemundo much needed flexibility to build out the facilities that will best serve the station's viewers.

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stations, particularly those stations on adjacent channels.<sup>3</sup> With respect to the Empire State Building, the landlord and broadcasters must also address structural tower loading and radio frequency exposure limits. Accordingly, there is uncertainty among the various stations with respect to the permanent facilities to be utilized at the Empire State Building and/or at 1 WTC.

Because NBC Telemundo has been unable to complete construction of the Empire State Building CP due to circumstances beyond its control, it is respectfully requested that the FCC toll the construction period for the Empire State Building CP.

Questions or correspondence regarding the foregoing request should be directed to the undersigned.

Respectfully submitted,

By: /s/ Margaret L. Tobey  
Assistant Secretary  
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<sup>3</sup> To complicate matters, NBC Telemundo (as well as all other TV stations and tower owners) must consider the uncertainties associated with the upcoming incentive auction. It is difficult for New York television station owners to reach a consensus and commit to a common antenna site and design with so many key parameters yet unresolved. These broadcasters cannot yet predict whether their stations will be subject to repacking. In addition, some stations may participate in the incentive auction by offering to relocate to the VHF band. All of these factors complicate and make uncertain the location and design of a shared antenna.