



Federal Communications Commission  
Washington, D.C. 20554

March 12, 2019

ION Media Boston License, LLC  
601 Clearwater Park Road  
West Palm Beach, Florida 33401

ION Media Hartford License, Inc.  
601 Clearwater Park Road  
West Palm Beach, Florida 33401

Re: WBPX-TV, Boston, Massachusetts  
Facility ID No. 7692  
File No. 0000063303

WHPX-TV, New London, Connecticut  
Facility ID No. 51980  
File No. 0000063882

Dear Licensees:

This is with respect to the above referenced minor modification applications filed by ION Media Boston License, LLC and ION Media Hartford License, Inc. (ION) for stations WBPX-TV, Boston, Massachusetts and WHPX-TV, New London, Connecticut. ION proposes to relocate the stations to new tower sites and requests a waiver of the current freeze on the filing of minor modification applications for changes to existing television service areas that would increase a full power television station's noise-limited contour.<sup>1</sup> For the reasons set forth below, we grant the requested waivers and the minor modification applications.

In the *April 2013 Freeze Public Notice*, the Bureau explained that the freeze was necessary to (1) create a stable database of full power and Class A facilities that would allow for the development and analysis of potential repacking methodologies to be used in connection with the Incentive Auction authorized by the Spectrum Act; and (2) avoid further expansion of broadcast television stations' use of spectrum.<sup>2</sup> The Incentive Auction closed with the issuance of the *Closing and Channel Reassignment*

---

<sup>1</sup> *Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Stations Modification Applications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate*, Public Notice, 28 FCC Rcd 4364 (MB 2013) (*April 2013 Freeze Public Notice*).

<sup>2</sup> *Id.* at 4364-65.

*Public Notice* on April 13, 2017, and the transition is underway.<sup>3</sup> Both WBPX-TV and WHPX-TV were reassigned to new channels<sup>4</sup> and must complete construction of their new facilities by August 2, 2019.

In support of its waiver requests, ION states that the current tower sites for both stations will not be available for post-auction operations due to failed negotiations with the tower owners. ION further states that it conducted a comprehensive analysis in both station's markets and was unable to identify a tower in the immediate vicinity of the current tower sites. ION also points out that the *April 2013 Freeze Public Notice* stated that the Bureau would consider requests for waiver of the filing limitations when a modification application is necessary or otherwise in the public interest for technical or other reasons to maintain quality service to the public, including the loss of a station's tower.<sup>5</sup>

With respect to WHPX-TV, ION proposes a tower 61.8 kilometers northwest of its current site, which would result in a shift of the station's noise limited contour to the northwest and areas of service loss. While over 1,000,000 persons would lose service from WHPX-TV, ION states that the entire loss area is located in the Providence, Rhode Island and Boston DMAs, where ION owns television stations. Thus, according to ION, "most, if not all, of WHPX-TV's loss area will continue to be served by another ION over-the-air signal that is licensed to the DMA in which the relevant viewers live." In addition, the entire loss area would continue to receive five or more full power television stations. Finally, ION states that WHPX-TV would continue to serve all of its current viewers in the Hartford, Connecticut DMA and would now be able to serve areas in the western portion of the Hartford DMA that do not currently receive an over-the-air signal from WHPX-TV.

With respect to WBPX-TV, ION proposes a tower 23 kilometers northwest of its current site, which would result in a slight shift of the station's noise limited contour to the northwest and a small area of service loss. While 262,698 persons would lose service from WBPX-TV, ION states that the requested tower change is necessary for WBPX-TV to continue to serve the vast majority of its viewers in the Boston market and the entire loss area would continue to receive five or more full power television stations.

In addition, in connection with the transition, the Bureau temporarily lifted the April 2013 Freeze for full power and Class A stations that had not been reassigned to a new channel.<sup>6</sup> The Bureau did so to decrease the possibility that low power television, television translator, and analog-to-digital replacement translator stations (LPTV/translator stations) that file to modify their facilities during a later Special Displacement Window available to LPTV/translator stations displaced by the Incentive Auction would subsequently be displaced again by full power stations that file applications after the freeze is permanently lifted.<sup>7</sup> ION states that it reviewed the impact of its applications on LPTV/translator stations

---

<sup>3</sup> See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (2017) (*Closing and Channel Reassignment Public Notice*).

<sup>4</sup> WBPX-TV was reassigned from channel 32 to channel 22 and WHPX-TV was reassigned from channel 26 to channel 28.

<sup>5</sup> April 2013 Freeze Public Notice, 28 FCC Rcd at 4365.

<sup>6</sup> *Media Bureau Temporarily Lifts the Freeze on the Filing of Minor Modification Applications That Expand the Contour of Full Power and Class A Television Stations From November 28 Through December 7, 2017*, Public Notice, 32 FCC Rcd 9328 (MB 2017).

<sup>7</sup> *Freeze on the Filing of Modification Applications to be Lifted Temporarily to Permit Filing of Applications to Expand the Contours of Full Power and Class A Television Stations That Are Not Part of the Post-Incentive Auction Repack Process*, Public Notice, 32 FCC Rcd 7643 (MB 2017).

in the area and they “[do] not create harmful interference to any low-power television station that participated in the post-auction displacement window that occurred in 2018.”

We agree that the public interest would be served by granting a waiver of the freeze. Because ION’s current towers are unavailable for post-auction operation, absent a waiver the stations could be required to cease operation or receive significant interference from other stations’ post-auction facilities until the freeze is permanently lifted and ION able to file minor modification applications for its proposed new sites.<sup>8</sup> Moreover, because both stations are already required to construct new facilities on their reassigned channels, granting waivers will not increase the number of stations needing to acquire equipment or use other construction resources during the post-auction transition period. In addition, ION has demonstrated that the facilities proposed in the minor modification applications will not displace any LPTV/translator stations that filed in the Special Displacement Window, and thus will not frustrate the underlying purpose for the Bureau’s decision to briefly lift and then reimpose the April 2013 Freeze.

While proposed technical changes that would result in a loss of television service are generally considered *prima facie* inconsistent with the public interest,<sup>9</sup> the WHPX-TV loss area will continue to receive programming from other ION stations. The WBPX-TV loss area is small and is necessitated by the station’s need to change tower locations in order to continue to provide service to the vast majority of persons within its current noise limited contour. Moreover, both station’s loss area will continue to be well-served by other full power television stations.<sup>10</sup>

In view of the forgoing, the requests filed by ION Media Boston License, LLC and ION Media Hartford License, Inc. for stations WBPX-TV, Boston, Massachusetts and WHPX-TV, New London, Connecticut for waiver of the April 2013 freeze and the minor modification applications ARE HEREBY GRANTED. We caution that any additional expenses incurred as a result of the grant of the stations’ minor modification applications may not be reimbursable from the TV Broadcasters Relocation Fund. Such additional costs might include, but may not be limited to, additional legal or engineering expenses; filing fees; and interim or additional equipment that was not contemplated when the stations filed their initial estimated expenses but was subsequently necessary to complete the transition to their post-auction channels due to modification of their post-auction facilities.

Sincerely,



Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Shea Clark

---

<sup>8</sup> Both stations are in a linked station set which requires that they coordinate and agree upon a transition schedule for testing and commencing operations on post-auction channels with all stations with which they are directly linked. See *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, Public Notice, 33 FCC Rcd 8240, 8242 & n.12 (IATF/MB 2018).

<sup>9</sup> See, e.g., *Amendment of Section 76.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Fond du Lac, Wisconsin)*, Memorandum Opinion and Order, 26 FCC Rcd 12712, 12714-15 (MB 2011).

<sup>10</sup> An area that receives at least five other existing services is considered well-served. See *KVMD Licensee Co., LLC*, 23 FCC Rcd 15748, 15749, n.9 (Vid. Div. 2008).

ION Media Networks, Inc.  
14444 66<sup>th</sup> Street N  
Clearwater, Florida 33764