



Federal Communications Commission  
Washington, D.C. 20554

September 20, 2017

KWEX License Partnership, L.P.  
5999 Center Drive  
Los Angeles, CA 90045

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Re: KWEX-DT, San Antonio, Texas  
Facility ID No. 35881  
LMS File Nos. 0000029934 and  
0000029926

Dear Licensee:

KWEX License Partnership, L.P. (Univision), licensee of station KWEX-DT, San Antonio, Texas, filed the above-referenced major change applications on September 15, 2017. The station was reassigned to channel 14 in connection with the broadcast incentive auction and received a waiver of the July 12, 2017, initial construction permit filing deadline, based on its assertion that it is “unable to construct” its assigned facility on channel 14 due to land mobile interference and other related technical reasons.<sup>1</sup> Univision filed applications for two alternative replacement channels—channels 19 and 24—during the first priority filing window which closed on September 15, 2017, and requests a waiver of Sections 73.3517 and 73.3518 of the Commission’s rules<sup>2</sup> so that both applications may remain pending for a period of 14 days after the close of the first priority filing window, or the opening of the second filing window, whichever is later.<sup>3</sup>

In support of its request, Univision asserts that channel 14 is not a viable channel assignment for a full power television station in the San Antonio area because more than 300 land mobile licensees operate on adjacent frequencies, some in close proximity to the KWEX-DT transmitter site.<sup>4</sup> Univision’s preference is to be reassigned to channel 24, but explains that it must still take certain steps before that channel can be assigned to KWEX-DT, including obtaining the consent of other stations to accept additional interference or be moved to a different channel. If the Commission is unable to reassign KWEX-DT to channel 24, Univision believes that only remaining alternative would be channel 19, and in order to accommodate that assignment and eliminate potential interference, another Univision station

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<sup>1</sup> See Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau to KWEX License Partnership, L.P. (Jun. 28, 2017) available at LMS file No. 0000024880, KWEX-DT Unable to Construct Grant Letter.

<sup>2</sup> 47 CFR §§ 73.3517 and 73.3518 (contingent and inconsistent or conflicting applications are not acceptable for filing).

<sup>3</sup> See LMS File No. 0000029934, KWEX-DT Channel 24 Waiver Request (Channel 24 Request) and LMS File No. 0000029926, KWEX-DT Ch 19 Waiver Request (Channel 19 Request).

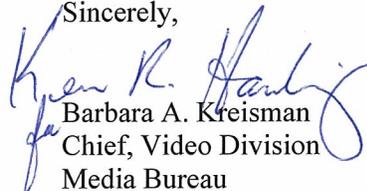
<sup>4</sup> Channel 24 Request at 1-2; Channel 19 Request at 1-2.

likely would need to relocate its transmitter and possibly seek a change in its community of license.<sup>5</sup> According to Univision, “grant of the requested waiver would afford Univision and the Commission staff additional time to explore a viable channel reassignment for the Station” and also allow Univision to continue its discussions with another station reassigned to channel 24 regarding a mutually agreeable proposal for the reassignment of both stations.<sup>6</sup>

The Commission may grant a waiver for good cause shown,<sup>7</sup> and a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>8</sup> The Commission may also take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>9</sup> We agree with Univision that the public interest would be served by granting a temporary, short-term waiver of our rules to allow its applications for channel 24 and 19 facilities to remain on file until the day before the second filing window opens, in order to afford Univision additional time to continue its discussions with other stations that would be affected by the contemplated arrangements.

In view of the foregoing, the request for waiver filed by Univision **IS HEREBY GRANTED** and we will extend the deadline for Univision to request dismissal of one of its applications and, if necessary, amend its remaining application, and/or for any station that is a party to an agreement with Univision to facilitate this channel change, to permit them to file the necessary applications no later than the 11:59pm on the day before the opening of the incentive auction second filing window for alternate channels and expanded facilities.<sup>10</sup> Failure to do so will result in dismissal of the above-referenced application.

Sincerely,

  
Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>5</sup> Channel 24 Request at 2; Channel 19 Request at 2.

<sup>6</sup> Channel 24 Request at 3; channel 19 Request at 2-3.

<sup>7</sup> 47 CFR § 1.3.

<sup>8</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>9</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972).

<sup>10</sup> The date of the opening of the second filing window will be announced by public notice.