

COMPREHENSIVE SUMMARY  
KWEX-DT, San Antonio Texas  
Facility ID No. 35881

On September 20, 2017 KWEX License Partnership LP (“Univision”), the licensee of KWEX-DT, San Antonio, Texas (Facility ID No. 35881) (“KWEX” or “the Station”) was granted a limited waiver<sup>1</sup> which permitted the filing of concurrent applications for two alternative replacement channels for KWEX in the first priority window.<sup>2</sup> Univision hereby requests that the Commission dismiss the Channel 19 request (LMS File No. 0000029926).

For the past several weeks, and in consultation with FCC staff, Univision diligently researched potential alternatives to Channel 14. The Commission’s interference analysis software provided the basis for the initial channel reassignments in the repack and designated KWEX for transition from its current Channel 41 to Channel 14.<sup>3</sup> This channel assignment is not viable for a full power station in the San Antonio DMA, however, because more than 300 land mobile licensees operate on adjacent frequencies, some of which are located in close proximity to the Station’s transmitter site. The Commission has long recognized that Channel 14 may present unique challenges to television station channel assignments in certain markets.<sup>4</sup> Accordingly, on June 28, 2017, the FCC granted the Station’s request for an “unable-to-construct” waiver of the initial construction permit deadline (LMS file No. 0000024880).

We have identified that, in order to preserve service to the community, Channel 24 presents the best option for KWEX. Reassignment to Channel 24 necessitates several additional reconfigurations in the market and significant capital outlay by Univision, including the acquisition of a Class A station. As discussed below, in order to ensure continued KWEX service, several concurrent applications are inextricably linked.<sup>5</sup> As such, the Commission must

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<sup>1</sup> Letter from Barbara A. Kreisman, Chief, Video Services Division, Media Bureau to Mace J. Rosenstein (Sept. 20, 2017), LMS File Nos. 0000029934 (Channel 24 ) and 00029926 (Channel 19).

<sup>2</sup> See *Incentive Auction Task Force and Media Bureau Extend the Filing Deadline for the First Priority Filing Window for Eligible Full Power and Class A Television Stations*, Public Notice, DA 17-849 (rel. Sept. 6, 2017).

<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).

<sup>4</sup> See *Broadcast Incentive Auction Scheduled to Begin on March 29, 2016*, Public Notice, 30 FCC Rcd 8975, 9101 (2016) at ¶ 273 (“[T]he final television channel assignment plan selection procedure will take into account . . . prioritizing assignments . . . off of channel 14 in the UHF band.”).

<sup>5</sup> These applications will be filed on October 2, 2017, prior to the opening of the second priority window. Univision will subsequently further modify the Channel 24 amendment to include all relevant application file numbers.

(continued...)

consider these applications covered under the priority one window filing status, and thus, protected against subsequently-filed applications. The granting of these applications is consistent statutory directive that the Commission make “all reasonable efforts” to maintain current service of post-Incentive Auction broadcasters.<sup>6</sup>

### **KWEX**

Univision is filing an amendment to the Channel 24 application (LMS File Nos. 0000029934). Included in the amendment is a letter detailing an agreement with Three Angels Broadcasting Network, Inc. (“TABN”), licensee of low power television station K27LF-D (Facility ID No. 24570 ). Univision has entered into an agreement with TABN and will relocate KWEX to Univision’s KROM(FM) tower (ASR 1206963), on which K27LF-D is located. Univision will provide all necessary antenna equipment and will prepare the application for K27LF-D to modify its facility. TABN and Univision have also entered into an interference agreement.

KWEX is also in discussions with Nexstar, licensee of full-power digital television broadcast station KNVA(TV) (Facility ID No. 144), licensed to Austin, TX and will amend the Channel 24 application to include an interference agreement, once finalized.

Please see attached letter and Engineering Statement.

### **KXLK-CD**

Univision has entered into a purchase agreement with a Class A station in Austin, Texas that was assigned Channel 24 in the repack - KXLK-CD (Facility ID No. 48836). Univision is filing an assignment application for KXLK-CD. Radio Spectrum Partners, LP, licensee of KXLK-CD is filing an application to be reassigned to Channel 14.<sup>7</sup>

### **KNIC-CD**

Sister station KNIC-CD, San Antonio, Texas (Facility ID No. 48837), currently reassigned Channel 24, must be reassigned another channel. Univision hereby consents to such reassignment and is filing an application to reassign KNIC-CD to Channel 27.

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<sup>6</sup> See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6403(b)(2) 126 Stat. 156 (2012).

<sup>7</sup> Once the FCC has granted the Construction Permit for Channel 14, the parties will accordingly amend Form 2100, Schedule 399.