



Federal Communications Commission
Washington, D.C. 20554

November 27, 2017

Beach TV of South Carolina, Inc.
8317 Front Beach Road
Suite 23
Panama City, FL 32407

Re: Request for Waiver of Deadline to
Implement Shared Channel Operations
WGSI-CD, Murrells Inlet, SC
Facility ID No. 4350
LMS File No. 0000035542

Dear Licensee,

On November 20, 2017, Beach TV of South Carolina, Inc. (Beach TV), submitted the above-captioned request for waiver for television station WGSI-CD, Murrells Inlet, South Carolina (Station) of the January 23, 2018, deadline for incentive auction winning channel sharing stations to implement shared channel operations and discontinue operations on their pre-auction channels (channel sharing implementation deadline).¹ For the reasons set forth below, we grant the request for waiver and extend the channel sharing implementation deadline to April 23, 2018.

Background. The Commission instructed that channel sharing stations² must implement shared channel operations, and a sharee station must discontinue operations on its pre-auction channel by January 23, 2018.³ A channel sharee may request an additional 90 days to discontinue operations on its

¹ 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, 2813, para. 76 (MB & WTB 2017) (*Closing and Channel Reassignment Public Notice*); see also *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 879, para. 63 (IATF & MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR §§ 73.3700(b)(3), 73.3700(b)(4)(ii).

² Absent any contrary information from the station, any station that indicated it had a pre-auction channel sharing agreement (CSA) and/or an intent to channel share on its reverse auction FCC Form 177 is considered a channel sharee station until the station fails to meet or requests a waiver of the channel sharing application filing deadline.

³ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2813, para. 76; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 879, para. 63; 47 CFR §§ 73.3700(b)(3), 73.3700(b)(4)(ii). As noted previously, some of the post incentive auction transition-related deadlines set forth in the Commission's rules are referred to in months. For the sake of clarity and to provide greater ease of calculation, the Media Bureau refers to such deadlines in days. For example, a "6-month" deadline is referred to as a "180-day" deadline. See *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 860 n.18.

pre-auction channel and commence shared operations by requesting a waiver pursuant to Section 1.3 of the Commission's rules.⁴

A waiver is appropriate where the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall policy on an individual basis.⁵ All such requests for waiver of the deadline to commence shared operations will be evaluated to determine whether grant will delay or disrupt the post-auction transition schedule.⁶

In support of its waiver request, Beach TV states that Station was a winning bidder in the reverse auction and that it will be sharing with commonly-owned WGSC-CD, Murrells Inlet, South Carolina. Beach TV recently discovered that a modification is necessary to the WGSC-CD facilities and will be filing an application for minor modification during the upcoming window that the Media Bureau has announced for the filing of such applications. Once the application for minor modification of the WGSC-CD's facilities is granted, Beach TV states that it will file to update the construction permit for shared operations.

In addition, Beach TV states that, despite repeated efforts, it has not received a delivery date from its antenna manufacturer. Beach TV maintains that its consulting engineer suggests that in the best scenario, the European manufacturer may complete fabrication of the new antenna by December 5, 2017. Assuming one week for shipping and clearing customs on arrival in the U.S., Beach TV estimates that this would put delivery of the equipment at the company factory in the U.S. at about December 13, 2017. Beach TV anticipates that the company would need two weeks to unpack, test the equipment, document it and get ready to ship without holidays. With both the Christmas and New Year's holidays, Beach TV believes that delays are likely. Beach TV states that it is very possible that shipping by the company may not occur until January 5-8, 2018. Beach TV explains that, only when received can the rigger unpack the new materials, take down the existing WGSI antenna, and install the new system. Without a definitive delivery date from the antenna company, Beach TV states that it cannot schedule the tower rigging crew. Beach TV maintains that the best case scenario would put its receipt of equipment at mid-January and would not leave any room for weather and/or tower crew availability delays if the implementation must be completed and the license to cover filed by January 23, 2018. In addition, Beach TV states, given such timing, it is hard pressed to be able to schedule the required viewer and MVPD notifications.

In light of the need to file a minor modification application for WGSC-CD and the equipment delivery issues, Beach TV believes it will need additional time to implement the modified facilities and the CSA, provide the notifications to viewers and MVPDs and file its license to cover.

Beach TV argues that grant of its waiver request will not adversely impact the post-incentive auction transition. Beach TV notes that stations impacted by Station remaining on its pre-auction channel are not scheduled to transition until Phase 9, the testing period for which does not begin until May 1, 2020, and Beach TV concludes that a 90-day delay in Station's discontinuance of operations on its pre-auction channel will have little or no impact on the transition timeline.

⁴ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2814, para. 81; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 881, para. 69. Channel sharee stations may request an additional 90 days (for a total of 180 additional days) using the same procedure. *Id.*

⁵ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972); 47 CFR § 1.3 (waiver for good cause shown).

⁶ *Id.*

Discussion. Upon review of the facts and circumstances presented, we find Beach TV's request to extend the channel sharing implementation deadline until April 23, 2018, satisfies the requirements for a waiver. In this case, we find that it would be inconsistent with the public interest to require Beach TV to implement its shared channel operations by the January 23, 2018 deadline. Beach TV has demonstrated that additional time is needed to implement its shared operations. Further, given that the other stations that could be impacted by Station remaining on its pre-auction channel are not scheduled to transition until Phase 9, the testing period for which does not begin until May 1, 2020,⁷ we find that waiver of the channel sharing implementation deadline will not adversely impact the post-incentive auction transition schedule.

The above facts considered, Beach TV of South Carolina, Inc.'s request for waiver of the January 23, 2018 deadline to implement shared channel operations for WGSJ-CD, Murrells Inlet, South Carolina, and to discontinue operations on its pre-auction channel **IS GRANTED** and the January 23, 2018 deadline **IS EXTENDED** for 90 days until April 23, 2018.

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Kathleen Victory, Esq.

⁷ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2806, para. 64.