

Request for Waiver of Deadline to Discontinue Operations on Pre-Auction Channel and Commence Shared Channel Operations

Broadcasting for the Challenged, Inc. (“BFTC”) hereby respectfully requests that the FCC extend the deadline for full power noncommercial television station WWTW, Senatobia, Mississippi (FIN 84214) (“WWTW”) to discontinue operations on its current channel and implement shared channel operations. As a result of a winning reverse auction bid for WWTW in the Incentive Auction, BFTC will relinquish its spectrum usage rights on WWTW’s current Channel 34. Pursuant to a Channel Sharing Agreement (“CSA”) by and between BFTC and Christian Worldview Broadcasting Corporation (“CWBC”) entered into on January 8, 2016, WWTW will channel share with noncommercial educational television station WTVV, Memphis, Tennessee (FIN 81692) (“Sharer Station”).

On July 14, 2017, WWTW was granted a “Shared Television Broadcast Station Construction Permit” to channel share with the Sharer Station (see File No. 0000026978). The expiration date of the construction permit is February 1, 2018. While the expiration date of the construction permit is February 1, 2018, an underlying request for waiver of the requirement that WWTW discontinue operation on its current channel 34 was due November 24, 2017. As such, the current request for waiver of the deadline for discontinuance of WWTW’s operation on channel 34 represents BFTC’s second request for waiver of the discontinuance deadline. BFTC respectfully requests waiver of the November 24, 2017 filing deadline. As will be demonstrated hereinbelow, a waiver of the filing deadline is in the public interest; will not materially delay implementation of WWTW’s discontinuance (since the firm Channel 34 off-air date is April 19, 2018); and, additional time to implement the shared operations will not adversely affect the post-incentive auction transition schedule nor plans by new wireless licensees to use their auction spectrum.

The extension requested herein will provide BFTC with sufficient time to comply with all FCC licensing and channel sharing requirements and implement the CSA. Pursuant to the FCC’s Incentive Auction channel sharing rules, a channel sharee station must implement shared channel operations and discontinue operations on its pre-auction channel within 180 days after the sharee receives its share of auction proceeds. In recognition that some stations may encounter difficulties meeting this deadline, the FCC permits a sharee station to request additional time to discontinue operations and commence shared operating by requesting a waiver pursuant to Section 1.3 of the FCC’s rules. BFTC, its equipment suppliers and engineering staff have diligently worked to effectuate the channel-share arrangement. While BFTC could conceivably effectuate the change-over in late March, BFTC’s engineer indicates that he is more comfortable stating that an April 19, 2018 date for discontinuance of operation on Channel 34 and operation on Channel 23 (via channel-share) is a firm one. BFTC is prepared to send out the requisite MVPD notifications; run the requisite PSAs and crawls; and, ultimately, file the requisite notice of discontinuance of operation (regarding WWTW’s current channel 34).

A grant of the instant waiver request will not adversely affect the Commission's post-auction transition timeline. The CSA will utilize existing facilities, and grant of this waiver will not divert any engineering resources otherwise needed for the post-auction transition. Furthermore, the testing period for Phase 1 of the repack (for the Memphis, TN DMA) does not begin until September 14, 2018 (and providing WWTW the additional days to cease operations on its pre-auction channel and transition to shared operations will not affect other stations' transition schedules, particularly since the Sharer station is remaining on Channel 23). WWTW's license relinquishment waiver will not extend its deadline to discontinue operations beyond the end of the 39-month transition period. Finally, BFTC has not been notified by any wireless group of roll-out plans which would be impacted by WWTW's waiver request.

Accordingly, in order to ensure a smooth transition of WWTW to shared channel operations for the benefit of the affected stations and viewers, BFTC requests that the FCC grant the instant waiver request and extend the deadline for WWTW to discontinue operations on its current channel and implement shared channel operations until April 19, 2018.