

**Request for Further Waiver of Deadline for Channel Sharing Station
to Discontinue Operations on Pre-Auction Channel**

Pursuant to Section 1.3 of the FCC's Rules, KJLA, LLC ("KJLA"), the licensee of full power television station KJLA, Ventura, California (FIN: 14000) ("Station"), hereby requests a further waiver of Sections 73.3700(b)(1)(vii) and (b)(4)(ii) of the Commission's Rules to allow KJLA an additional 90 days, beyond that already provided, in which to discontinue operations on its pre-auction channel.

KJLA submitted a successful bid in the recently completed incentive auction for the Station to return its spectrum and go off-air. In the FCC Form 177 it submitted as part of the incentive auction process, KJLA advised that its intent was to enter into a channel sharing agreement ("CSA"). In File No. 0000036376, KJLA has requested and received a construction permit granting it authority to engage in a channel sharing arrangement.¹

KJLA believes that it will now require additional time to implement the CSA and provide notification to viewers and MVPDs, as required under the Commission's rules and is, as a result, requesting this waiver be confirmed along with a further extension of time. In File No. 0000034947, KJLA requested a 90-day extension of time. That request was granted on November 14, 2017. *Letter to KJLA, LLC*, released November 14, 2017. KJLA now seeks a further 90-day extension of time, which extension is contemplated, upon request, by the Commission's rules.

Section 73.3700(b)(4)(ii) of the FCC's Rules requires a license relinquishment station, such as the Station, to indicate its intent to enter into a post-auction CSA to terminate operations on its pre-auction channel within 180 days of the date that the licensee receives its incentive payment. Section 73.3700(b)(1)(vi), in turn, requires a channel sharee to file a minor change application for a construction permit on its shared channel within 120 days after the date that the incentive auction payment proceeds were received. As a result, absent a waiver, the Station will be required to terminate operations on its pre-auction channel and file a license application no later than January 23, 2018.

The FCC may grant a waiver for good cause shown. The agency typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest. *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). In the incentive auction proceeding, the Commission specifically addressed criteria for a waiver of the off-air date for channel sharing stations and reasoned that it "will view requests for up to three additional months to terminate operations most favorably." *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, 29 FCC Rcd 6567 ¶ 578 (2014) (emphasis added). It subsequently concluded that "winning channel sharing bidders may request an additional three-months...."

¹ KJLA takes note that in the construction permit issued in File No. 0000036376, the expiration date of KJLA's construction permit is set at April 23, 2018. In the event that this extension request is granted, KJLA asks that the construction permit be reissued with a July 22, 2018 expiration date.

Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, 30 FCC Rcd 12016, 12020 (2015).

In a further discussion of its expected consideration of such requests, the Commission concluded that “[t]he Media Bureau will view favorably applications/requests that are otherwise compliant with our rules and have little or no impact on other stations’ transition schedule.” *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, 32 FCC Rcd 858 ¶ 73 (2017). Finally, the Commission has confirmed that no harm will arise from such waivers because “the availability of waivers of up to an additional six months is unlikely to adversely affect the Commission’s post-auction transition timeline.” *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, 30 FCC Rcd 12016 ¶ 11 (2015).

In the present case, affirmative action on the waiver request is clearly in the public interest.

First, an extension will facilitate KJLA’s ability to channel share successfully and without disruption, which, as the Commission has recognized, will “promote longstanding policy goals for broadcast television, including localism, viewpoint diversity, and competition.” *In the Matter of Innovation in the Broad. Television Bands: Allocations, Channel Sharing & Improvements to VHF*, 27 FCC Rcd. 4616 ¶ 3 (2012).

Second, the waiver permits KJLA to utilize its current channel for an additional three months and allows KJLA to offer its long-time over-the-air viewers the Station’s primary and multicast streams, which offer a unique multicultural programming service in the Los Angeles DMA.

Third, a grant of another 90 days will not impose any adverse effects on post-auction transition or any other party. The channel sharing authorized to KJLA will utilize existing facilities and a grant of this waiver and extension will not divert any engineering resources otherwise needed for the post-auction transition. Furthermore, the testing period, in the Los Angeles DMA, which is a Phase 2 transition market, does not commence until December 1, 2018.

Accordingly, the Media Bureau should provide the Station with the requested 90 additional days (to July 22, 2018), in which to terminate operations on its pre-auction channel.