

TVC NY License LLC Request for Waiver for Displacement Channel Application

TVC NY License LLC (“TVC”), the licensee WNYN-LD, New York, New York (FCC Facility ID 74305), received written notification from T-Mobile USA, Inc. stating that it intends to begin 600 MHz operations in Partial Economic Area 1 by March 24, 2018, and therefore directs that WNYN-LD cease operations on its current channel by that time. A copy of that letter is included with this application.

In the ordinary course, TVC would have the right to submit a displacement application under Section 73.3572(a)(4) of the Commission’s rules for WNYN-LD so that its operations would not be interrupted. However, as a consequence of the broadcast incentive auction, the Commission currently has a freeze in place on all such applications. See Public Notice, DA 14-808 (June 11, 2014) (“Displacement Freeze Public Notice”). That freeze will stay in place until the Commission opens a special filing window on April 10, 2018, for displaced low power television stations, such as WNYN-LD. See Public Notice, DA 18-124 (February 9, 2018).

Clearly, WNYN-LD will be forced off of the air well before the filing window opens and months before any displacement application may be processed under it. Accordingly, WNYN-LD would cease operations, ending an important Spanish language broadcast service for the New York City area. Continuation of the WNYN-LD broadcast service without interruption would serve the public interest.

Therefore, TVC requests a waiver of the Displacement Freeze Public Notice so that the Commission will accept, process and grant the instant displacement application, provide the opportunity for WNYN-LD to displace to Channel 30 and continue broadcast services to the public. As the associated engineering statement establishes, displacement to Channel 30 will not cause predicted harmful interference once the repacking of television stations has been completed. With that in mind, TVC also will seek special temporary authority for WNYN-LD to operate on Channel 29 in order to preserve its over-the-air service while the repacking is completed. The engineering associated with the request for special temporary authority will demonstrate that an STA operation will not cause impermissible interference. Finally, TVC also requests a waiver of the contingent application rule (Section 73.3517) under the extraordinary circumstances of the broadcast incentive auction and television channel repacking.