

Request for Waiver of Minor Modification Filing Freeze

To the extent necessary to process and approve the instant application, and pursuant to Section 1.3 of the Commission's Rules, ION Media Denver License, Inc. ("ION"), licensee of KPXC-TV, Denver, Colorado, hereby requests waiver of the Media Bureau's 2013 freeze on the filing and processing of minor modification applications. See *Media Bureau Announces Limitations on the Filing and Processing of Full Power and Class A Television Station Modification Applications, Effective Immediately, and Reminds Stations of Spectrum Act Preservation Mandate*, Public Notice, 28 FCC Rcd 4364 (MB 2013) ("*April 2013 Freeze Public Notice*").

On November 2, 2017, KPXC-TV filed to modify its construction permit for post-auction operations at its current tower site. See FCC LMS File No. 0000027023. Unfortunately, it is now evident that ION's current site will not be available for post-repack operations. ION has sought to negotiate lease terms with the current tower owner that would accommodate ION's post-repack operations. Due to the unreasonable demands of the tower owner, those negotiations have failed. ION has therefore located a new tower for KPXC-TV's post-repack operations.

In the *April 2013 Freeze Public Notice* the Media Bureau stated that it would consider, on a case-by-case basis, requests for waivers of the processing freeze when unforeseen events occur that require a station to relocate to a new tower site. *April 2013 Freeze Public Notice* at 4365. This is the situation that faces KPXC-TV. ION must move KPXC-TV to a new tower site due to the unavailability of the station's current tower site for post-repack operations. To move to its new tower site, ION must amend its post-auction construction permit application, which amendment is requested in the attached application. ION is filing this request to move to a new tower location now, so that the FCC can have a stable database before the Special Displacement Window opens in the coming weeks. For these reasons, good cause exists to grant the requested waiver and process and approve the instant application.