VIA CERTIFIED MAIL & EMAIL

3/16/2018

VENTANA TELEVISION, INC.
One Hsn Drive
Saint Petersburg, FL 33729-0001

RE: Notification of Intent to Begin 600MHz Operations

Dear K47HO-D Licensee/ Facility ID: 61056:

T-Mobile USA, Inc. ("T-Mobile") is notifying you that T-Mobile is preparing to commence operations on its 600MHz spectrum in the Partial Economic Area ("PEA") # 181 by 8/17/2018 and your station is likely to cause harmful interference to T-Mobile's operations.

To determine if your station(s) is likely to cause interference, an interference analysis has been performed, as specified by the Federal Communications Commissions' ("FCC") Inter-service Interference procedures[33], using publicly available information in the FCC's Licensing and Management System ("LMS") for your facility. This analysis predicts field strength at T-Mobile's base station and user equipment locations in the PEA # 181 market from your facility. The FCC has set the thresholds at which the predicted field strength from low power TV and translator stations creates a sufficient interference risk to wireless facilities. T-Mobile has determined that your facility exceeds those thresholds and is an interference risk to its wireless operations.

T-Mobile will commence its operations in the PEA # 181 market on 8/17/2018. This letter provides the 120 days' advance notification required by FCC regulations, 47 CFR §73.3700(g)(4). The FCC regulations also require you to cease operations or eliminate the potential for harmful interference to T-Mobile's wireless facilities in the PEA # 181 market.

The FCC will work with you to attempt find a new television channel outside of the new 600 MHz mobile band that will not interfere with T-Mobile's network. You should review the FCC's Tools Available to LPTV/Translator Station Public Notice (enclosed) released on June 14, 2017 and contact Hossein Hashemzadeh, Melvin Collins, or Barbara Kreisman at the FCC for more information about the options available in your area.[34]

Please email SpectrumClearing@T-Mobile.com once you have determined when you will eliminate the interference. If you would like additional information regarding our findings or if it might be possible to coordinate our operations, please submit a request to Dan Wilson, Sr. Manager, Spectrum Engineering, at SpectrumClearing@T-Mobile.com.

Sincerely,
/s/ Mark Bishop
Sr. Manager, Spectrum Engineering, T-Mobile USA, Inc.

[33] *See* 30 FCC Rcd 12049, 12071, para. 49 (2015)
[34] *See* https://www.fcc.gov/document/iatf-mb-set-forth-tools-available-lptvtranslator-stations

601 Pennsylvania Ave. NW
North Building, Suite 800
Washington, DC 20004

July 17, 2017

Written Ex Parte Communication

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: *The Incentive Auction Task Force and Media Bureau Announce Procedures For Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction Transition*, MB Docket No. 16-306; GN Docket No. 12-268

Dear Ms. Dortch:

I am writing to inform you of a voluntary commitment that T-Mobile USA, Inc.[1] ("T-Mobile") is making to compensate certain low power television stations that operate on a secondary basis and are unable to obtain a permanent channel in time to accommodate T-Mobile's rapid deployment of broadband service in the 600 MHz band. As detailed more fully below, T-Mobile is offering to pay the reasonable costs associated for such stations to move from a temporary channel to a permanent channel. While these stations are required to vacate the 600 MHz band when the broadband provider is ready to initiate service, T-Mobile recognizes that some of these stations may need to move twice, and T-Mobile is willing to go beyond what is required and compensate these stations for the additional move. T-Mobile's voluntary commitment will significantly ease the burden on these stations and help ensure that their service to the public is not disrupted.

T-Mobile is moving quickly to realize the benefits of the incentive auction that Congress and the FCC envisioned by deploying competitive broadband services throughout the county, particularly in rural America. Broadband stimulates economic growth, creates jobs, and enhances global competitiveness while revamping fields as diverse as education, energy production and agriculture. Indeed, after the 600 MHz auction closed with nearly $20 billion in winning bids, a bipartisan group of House Energy and Commerce Committee leaders declared the auction a "success" that had "revolutionized th e way that our nation makes spectrum

[1] T-Mobile USA, Inc. is a wholly owned subsidiary of T-Mobile US, Inc., a publicly traded company.

allocation decisions." [2] Representatives Greg Walden, Frank Pallone, Jr., Marsha Blackburn and Mike Doyle added that they expected all stakeholders to continue to "work together to free up our airwaves and usher in the future of wireless broadband." [3]

T-Mobile began laying the foundation for accelerated broadband deployment well over a year ago by investing in the people and equipment necessary to clear the 600 MHz band within the 39 months adopted by the FCC to allow deployment of wireless advanced broadband services throughout the country. T-Mobile has spent considerable time and money to better understand broadcasters' needs and to accelerate broadcasters' post-auction transition to new facilities.[4] Our efforts include investing in broadcast equipment manufacturing capacity and installation resources and providing relocation assistance to public television stations.[5] To further accelerate the rapid deployment of wireless broadband throughout America, T-Mobile today announces that it will assist in paying the duplicative costs that low-power television and TV translator licensees might reasonably incur as a result of T-Mobile's rapid 600 MHz broadband deployment.

T-Mobile expects to have at least ten megahertz of 600 MHz spectrum clear and ready for deployment across an area covering more than one million square miles by the end of 2017.[6] T-Mobile's rapid rollout of its newly won 600 MHz licenses will include hundreds of thousands of square miles of rural and remote portions of the country whose residents the traditional wireless carriers have all too often overlooked and underserved. Most of the spectrum T-Mobile will use to support its massive investment in broadband infrastructure is unencumbered and will support immediate broadband deployment. But in some areas, legacy low-power television and TV translator stations operate on a secondary, non-interference basis.[7]

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[2] Press Release, Energy and Commerce Committee, Bipartisan Committee Leaders Comment on Incentive Auction (Feb. 15, 2017), http://bit.ly/2lkHrsT.

[3] *Id*.

[4] *See On Time and On Budget: Completing the 600 MHz Incentive Auction Repacking Process Within the FCC's 39-Month Relocation Deadline and the Budget Established by Congress*, Report, T-Mobile, BTTI, Hammett & Edison (filed as an attachment to the Ex Parte Notice of T-Mobile to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268, AU Docket No. 14-252 (filed Feb. 17, 2016)), http://bit.ly/2nAvVeJ; *On Time and On Budget: A Response to Digital Tech Consulting, Inc.'s March 2016 Presentation on the State of Broadcaster Relocation Resources*, Report, T-Mobile, BTTI, Hammett & Edison (filed as an attachment to the *Ex Parte* Notice of T-Mobile to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268, AU Docket No. 14-252 (filed May 11, 2016)), http://bit.ly/2uP191Q.

[5] *See* Press Release, PBS, Public Television Joins Forces With T-Mobile to Preserve Access to Public Television for Millions in Rural America (June 29, 2017), http://to.pbs.org/2tteX4V; Press Release, Electronics Research, Inc., ERI to accelerate completion of TV channel repack post FCC's Broadcast Incentive Auction (2016), http://bit.ly/2vamDpD; *ERI and T-Mobile Deal for Crews and Facilities Puts 39-month Repack Deadline Closer to Being Met*, WIRELESS ESTIMATOR (April 21, 2016), http://bit.ly/2suBJED.

[6] *See, e.g., T-Mobile Is Kicking Off 600 MHz Testing This Summer*, WIRELESS WEEK, http://bit.ly/2s9j0RU (June 15, 2017).

[7] Low-power television and television translator stations operating in the 600 MHz band are collectively referred to here as "secondary stations" or "second ary licensees."

These secondary stations enjoy fewer protections than full-power and Class A licensees. Secondary licensees were ineligible to participate in the incentive auction, ineligible for relocation funds and not entitled to protection against harmful interference under the FCC's rules.[8] As a result, secondary stations must terminate operations in the 600 MHz after receiving notice from the new licensees in the band.[9] Consistent with these notice provisions, T-Mobile has already notified some secondary 600 MHz LPTV and television translator licensees of T-Mobile's deployment plans and the secondary licensees' obligation to avoid causing interference to T-Mobile's mobile broadband operations. [10]

T-Mobile recognizes the valuable services that these secondary licensees can provide to the public, and the FCC has adopted numerous measures to support legacy secondary operations, including a process by which secondary licensees displaced by 600 MHz broadband deployments can seek new licenses in the remaining broadcast spectrum below the 600 MHz band.[11] Under the FCC's rules, displaced secondary stations will have an opportunity to file applications to access another channel in the repacked TV band or to enter channel-sharing arrangements during a so-called Special Displacement Window the Media Bureau will open no sooner than November 13, 2017.[12]

In some areas, however, the Special Displacement Window for secondary licensees could occur after T-Mobile's planned 600 MHz wireless broadband deployment. The potential for T-Mobile's broadband deployment to outpace the anticipated timing of the FCC's displacement window could require some secondary licensees to relocate to temporary channels that differ from the permanent alternative channels the secondary operators may receive following the assignment of frequencies available during the Special Displacement Window. As a result, some secondary operators could face two sets of relocation expenses – one set of relocation expenses prior to the opening of the Special Displacement Window and a second set of relocation

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[8] *See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567 ¶¶ 236-241 (2014), http://bit.ly/1DLOpdy (" *Incentive Auction Order"*), *aff'd, Nat'l Assoc. of Broadcasters v. FCC*, 789 F.3d 165 (D.C. Cir. 2015).

[9] *See id.* ¶ 668.

[10] *See* Letter from Michael A. Lewis, DLA Piper, LLP (US) to Marlene H. Dortch, Docket Nos. 16-306, 12-
268 (June 1, 2017), *available at* http://bit.ly/2sFf0qd.

[11] *See Incentive Auction Order* ¶ 657.

[12] The FCC has said it intends to announce an opportunity for secondary licensees to apply for new channels after the primary full power and Class A television licensees have had an opportunity to apply for their preferred channel locations. *See Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858 ¶ 15 (MB 2017); *Incentive Auction Order* ¶¶ 552-553. To allow sufficient time for primary licensees to select their preferred locations, the so-called Special Displacement Window for LPTV licensees cannot occur until "approximately seven t o eight months after release of the Closing and Channel Reassignment Public Notice on April 13, 2017," o r sometime between November and December of 2017. *See The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction Transition,* Public Notice, 32 FCC Rcd 3860 ¶ 15 (MB 2017), http://bit.ly/2sUWKgS.

expenses after processing requests for alternative channels received during the Special Displacement Window.

This type of double-payment risk, while fully consistent with the Spectrum Act of 2012, has generated concern among some secondary licensees.[13] T-Mobile has heard those concerns and wants to address them because even though the Spectrum Act of 2012 requires secondary licensees to pay their own relocation costs, T-Mobile appreciates that its rapid deployment may create an additional burden on these secondary operators if they need to relocate more than once.

T-Mobile therefore will reimburse eligible secondary licensees [14] for the costs that they reasonably incur to comply with the permanent channel assignment they may receive under the Special Displacement Window to the extent those channel assignments differ from the channel assignment these licensees may build following displacement from the 600 MHz band due to T-Mobile's rapid broadband deployment.[15]

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[13] *See* Reply Comments of Free Access & Broadcast Telemedia, LLC, GN Docket No. 12-268, MB Docket No. 16-306 (filed Nov. 15, 2016), http://fcc.us/2u9UPoQ ("[The Commission] failed to size the additional c ost imposed on LPTV businesses of having to move two or more times without reimbursement that other licensees are given"); Comments of National Translator Associ ation, GN Docket No. 12-268, MB Docket No. 16-306 (filed Oct. 31, 2016), http://bit.ly/2t5Hbhn; *see also* Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6402 (codified at 47 U.S.C. § 309(j)(8)(G)), 6403 (codified at 47 U.S.C. § 1452), 126 Stat. 156 (2012).

[14] Only translator and LPTV licensees that must terminate existing operations due to T-Mobile's 600 MHz band deployments that occur prior to the Special Displacement Window are eligible to participate in the reimbursement program administered by T-Mobile (Supplemental Reimbursement Program). T-Mobile will not reimburse second-move expenses for secondary licensees that are not operational or are not validly licensed at the time they receive notice of T-Mobile's intent to deploy, nor will T-Mobile reimburse second-move expenses for secondary licensees that discontinue operations on their own initiative or due to a third-party's 600 MHz band deployment. The Supplemental Reimbursement Program is intended to allow eligible secondary licensees to purchase and install facilities that are comparable to those in operation at the time of receiving notice of T-Mobile's intent to deploy; therefore, the Supplemental Reimbursement Program excludes costs that may be necessary to resolve mutual exclusivity among licensees as well as other ancillary or consequential expenses that might be associated with relocation. This reimbursement provision is also based on the current clearing process and timeline and may not be available if the timeline or process is significantly altered or delayed.

[15] For full-power and Class A television licensees, for example, the Spectrum Act of 2012 requires that the FCC "reimburse costs reasonably incurred by" reassi gned to new channels and the FCC has established numerous guidelines on what types of costs are, in fact, "reasonably incurred." *See* 47 U.S.C § 1452(b)(4)(A)(i) (directing the FCC to pay from the relocation fund costs "reasonably incurred" by cer tain eligible broadcast television licensees); *see also Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Declaratory Ruling, 31 FCC Rcd 4246 (MB 2016), http://bit.ly/2tFSVcy (" *Reimbursement Declaratory Ruling*"); *Incentive Auction Task Force and Media Bureau Finalize Catalog of Reimbursement Expenses*, Public Notice, 32 FCC Rcd 1199 (MB 2017), http://bit.ly/2tFxbgX. In administering the Supplemental Reimbursement Program, T-Mobile will generally follow the procedures and reimbursement guidelines established by the FCC. For example, the FCC has developed a Catalog of Eligible Expenses, which identifies the kinds and amounts of expenses that will be reimbursed to full-power and Class A television licensees, who are required to relocate to a new channel. *See Catalog of Potential Expenses and Estimated Costs*, FCC (2017 Update), http://bit.ly/2sWyFGn. T-Mobile will use the Catalog of Eligible Expenses as a general guide for cost reimbursement of eligible secondary stations. In addition, the FCC has held that "[a]l l claimed expenses are subject to review by the Media Bureau

T-Mobile's voluntary commitment to reimburse secondary 600 MHz licensees for the reasonable cost of any second move that would be required due to T-Mobile's rapid broadband deployment will ensure that no secondary licensee in the 600 MHz band has to pay twice to relocate operations following the 600 MHz incentive auction. T-Mobile's voluntarily commitment will help minimize the overall effect on secondary stations in the band while continuing to permit rapid deployment of broadband service throughout the nation.

Secondary licensees eligible for T-Mobile's Supplemental Reimbursement Program will have received notice of T-Mobile's intent to deploy in t heir area; they should contact the representative listed in their notice letter for additional information about this program. Should the Commission have questions concerning this letter or T-Mobile's voluntary commitment to secondary licensees in the 600 MHz band, please feel free to contact me.

Sincerely,

Steve B. Sharkey
Vice President, Government Affairs
Technology and Engineering Policy
T-MOBILE USA, INC.
(202) 654-5900

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to ensure that each expense is reasonable." *Incentive Auction Order* ¶ 622. When reimbursing LPTV licensees for the cost of duplicative relocation expenses, T-Mobile will likewise reserve the right to ensure the reasonableness of each expense in the context of the planned relocation, including reviewing the costs associated with both the first and second moves to ensure that costs are attributed in a reasonable way. Once an LPTV operator submits a valid request for reimbursement, T-Mobile will reimburse the claim within a reasonable amount of time of receiving it, consistent with the duration of time necessary for the reimbursement of final expenses for full-power and Class A television licensees. Finally, the Commission's reimbursement program includes a sunset date: no expenses will be reimbursed after the close of the three-year relocation period. *See Reimbursement Declaratory Ruling* ¶ 2. In reimbursing LPTV and TV translator operators for the duplicative relocation expenses of eligible secondary licensees, T-Mobile will follow a similar policy: all reimbursement claims will have had to have been submitted and processed during the three-year relocation period.

PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information: 202-418-0500
Internet: http://www.fcc.gov
TTY: 888-835-5322

DA 17-584
Released: June 14, 2017

INCENTIVE AUCTION TASK FORCE AND MEDIA BUREAU SET FORTH TOOLS AVAILABLE TO LPTV/TRANSLATOR STATIONS DISPLACED PRIOR TO THE SPECIAL DISPLACEMENT WINDOW

MB Docket No. 16-306
GN Docket No. 12-268

I. INTRODUCTION

1. In the *LPTV Procedures Public Notice*, the Incentive Auction Task Force and Media Bureau described procedures for a Special Displacement Window for operating low power television, analog-to-digital replacement translator, and TV translator stations (referred to collectively as "LPTV/translator stations") that are displaced as a result of the broadcast incentive auction (Auction 1000) and repacking process.[1] This Public Notice sets forth tools available to LPTV/translator stations that are displaced prior to the opening of the Special Displacement Window. Such displacement could occur as a result of new 600 MHz Band wireless licensees commencing operations or conducting first field application (FFA) testing on their licensed 600 MHz spectrum prior to the opening of the Special Displacement Window. The tools listed below can be used to permit displaced stations to continue providing service to viewers with as little disruption as possible.

II. BACKGROUND

2. Auction 1000, conducted pursuant to Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act),[2] was completed on April 13, 2017, with the release of the *Closing and Channel Reassignment Public Notice*.[3] Today, the Incentive Auction Task Force and Wireless Telecommunications Bureau granted 2,317 licenses in the 600 MHz Band.[4] LPTV/translator stations on channels 38 through 51 must terminate operations if they receive notice of likely interference to a new 600 MHz band licensee that intends to commence operations or conduct FFA testing.[5] This notice must

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[1] *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction Transition*, Public Notice, DA 17-442 (rel. May 12, 2017).

[2] Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6402 (codified at 47 U.S.C. § 309(j)(8)(G)), 6403 (codified at 47 U.S.C. § 1452), 126 Stat. 156 (2012).

[3] *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 (2017) (*Closing and Channel Reassignment Public Notice*).

[4] *Incentive Auction Task Force and Wireless Telecommunications Bureau Grant 600 MHz Licenses*, Public Notice, DA 17-582 (rel. June 14, 2017).

[5] *See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions,* 29 FCC Rcd 6567, 6841-42, paras. 668-71 (2014) (subsequent citations omitted); *id.* at 6840 n.1863 ("To the extent that 600 MHz Band licensees are commencing operations in areas of their geographic licenses where harmful interference

(continued….)

be in the form of a letter, by certified mail, return receipt requested, delivered to the LPTV/translator station not less than 120 days in advance of the commence operations or FFA testing date (120-day notice).[6] The LPTV/translator station must cease operations or eliminate the likelihood of harmful interference by that date. We have received information from T-Mobile USA, Inc. (T-Mobile), one of the recipients of the licenses granted today in the 600 MHz Band, indicating that it may commence operations or conduct FFA testing using some of its 600 MHz Band licenses later this year—possibly before the opening of the Special Displacement Window.[7]

3. There is currently a freeze on the filing of displacement applications (Displacement Freeze).[8] The Media Bureau instituted the Displacement Freeze in order to protect the opportunity for all LPTV/translator stations displaced by the incentive auction and repacking process to obtain a new channel from the limited number of channels likely to be available, but noted that it would consider a waiver of the freeze if an LPTV/translator station could demonstrate new interference resulting from the initiation of new or modified service by a full power station during the freeze. As indicated in the *LPTV Procedures Public Notice*,[9] the Media Bureau will release a Displacement Public Notice announcing the date of the Special Displacement Window for operating LPTV/translator stations subject to displacement as a result of the incentive auction and repacking process approximately seven to eight months after the April 13, 2017, release of the *Closing and Channel Reassignment Public Notice*. Because the Displacement Public Notice must be released 60 days prior to the opening of the Special Displacement Window, the window will most likely open in the first quarter of 2018.[10] It therefore appears that some LPTV/translator stations currently operating on channels 38 through 51 may receive notice that T-Mobile will commence operations on its newly licensed spectrum prior to the Special Displacement Window opening in 2018.

III. TOOLS AVAILABLE TO LPTV/TRANSLATOR STATIONS DISPLACED PRIOR TO THE SPECIAL DISPLACEMENT WINDOW

4. Given the ongoing licensing in the 600 MHz band for wireless operations, and the possibility that LPTV/translator stations may need to terminate service on channels 38 through 51 prior to the Special Displacement Window, this notice sets forth two mechanisms these stations can avail themselves of to stay on the air. First, until the Special Displacement Window opens, an LPTV/translator station that receives the 120-day notice described above may operate on a temporary channel. Specifically, it may submit a displacement application together with a request for waiver of the Displacement Freeze and request Special Temporary Authority (STA) to operate on a temporary channel as described below. Second, such a station may choose to enter into a temporary channel sharing arrangement as described below.

(Continued from previous page)

from LPTV or TV translator stations would not be likely, these stations are not required to cease operations.") (*Incentive Auction R&O*) (subsequent history omitted); *Commencing Operations R&O,* 30 FCC Rcd 12025 at para.1, 12028-29, para.7 (2015) (defining the term "commence operations" for purposes of the displacement notification process).

[6] *See* 47 CFR § 73.3700(g)(4*); Incentive Auction R&O*, 29 FCC Rcd at 6839-40, paras. 668-70; *Commencing Operations R&O*, 30 FCC Rcd 12025.

[7] See Letter from Michael A. Lewis, DLA Piper LLP (USA) and Slide Presentation, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 16-306 and ET Docket No. 12-268, Att. p. 3 (filed June 1, 2017).

[8] *See Freeze on the Filing of Applications for Digital Replacement Translator Stations and Displacement Applications*, Public Notice, 29 FCC Rcd 6063 (MB 2014) (*Displacement Freeze Public Notice*).

[9] *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction* Transition, DA 17-442 (rel. May 12, 2017) (*LPTV Procedures Public Notice*).

[10] *LPTV Procedures Public Notice* at para. 6.

A. Operation on Temporary Channel

1. Eligibility

5. The ability to operate on a temporary channel is limited to "operating" LPTV stations[11] on channels 38 through 51 (1) that have received a 120-day notice from a 600 MHz wireless licensee that the LPTV/translator station is likely to cause interference in areas where the wireless licensee intends to commence operations or FFA testing, and (2) whose termination of operations date will occur before the Special Displacement Window opens (eligible LPTV/translator stations). Eligible LPTV/translator stations must submit a copy of the 120-day notice that they received from the 600 MHz Band wireless licensee with their displacement applications in support of a waiver of the Displacement Freeze. Applications that do not include the 120-day notice will be dismissed.

2. Displacement Applications

6. We remind eligible LPTV/translator stations seeking to operate on a temporary channel that they may only apply for a channel that remains allocated to broadcast television service (i.e., channels 2 through 36), and not for channels that have been repurposed for the new 600 MHz Band.[12] As with applications filed during the Special Displacement Window, eligible LPTV/translator stations will be required to demonstrate that they would not cause interference to the predicted service of: (1) all other primary users in the repacked TV Band or in adjacent bands including land mobile operations,[13] (2) licenses and valid construction permits for LPTV stations; (3) licenses and valid construction permits for full power and Class A stations that were not reassigned; (4) the post-auction channels of reassigned full power and Class A stations as reflected in the *Closing and Reassignment Public Notice*, and (5) the alternative channels and expanded facilities proposed during the two filing windows by reassigned full power and Class A stations.[14] Applications filed with a request for waiver of the Displacement Freeze will be treated as if filed on the last day of the Special Displacement Window and processed in accordance with the rules for the Window.[15]

3. Special Temporary Authority

7. Eligible LPTV/translator stations currently on channels 38 through 51 may submit an application for an STA to operate on the channel proposed in their displacement application. In considering the STA request, we will assess whether the proposed displacement facility complies with our technical and interference rules. Relief, if granted, will be temporary. As noted above, displacement applications filed by eligible LPTV/Translator stations will be treated as filed on the last day of the Special Displacement Window and processed in accordance with the rules. Therefore, stations granted an STA to operate the facilities proposed in their displacement applications may be required to terminate their STA operations if their application is ultimately not granted.

B. Channel Sharing

8. Displaced LPTV/translator stations may also use the following channel sharing tools to continue to provide service to viewers in areas where channel availability is limited. We clarify that two or more eligible LPTV/translator stations may each request a waiver of the Displacement Freeze and submit a displacement application that proposes to share a channel with the other eligible LPTV/translator

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[11] *See Media Bureau Announces Date By Which LPTV and TV Translator Stations Must Be "Operating" In Order To Participate In Post-Incentive Auction Special Displacement Window*, Public Notice, 31 FCC Rcd 5383 (MB 2016).

[12] *LPTV Procedures Public Notice* at para. 11.

[13] 47 CFR § 74.709.

[14] *See LPTV Procedures Public* Notice at para. 11 & n.42; 47 CFR §§ 73.3700(g), 74.787.

[15] *LPTV Procedures Public Notice* at paras. 14-16.

station(s).[16] These stations may also submit applications for STA to operate on a shared basis on the channel proposed in their pending displacement applications. In considering the STA request, we will assess whether the proposed displacement facility complies with our technical and interference rules as well as our rules applicable to channel sharing.

9. We also note that an eligible LPTV/translator station may submit an application to channel share with another LPTV/translator station that has *not* received a 120-day notice. Such applications are not subject to the Displacement Freeze and may be filed at any time.[17] If, however, the sharer station subsequently receives a 120-day notice and thus becomes an eligible LPTV/translator station as defined above, then the sharing stations may each request a waiver of the Displacement Freeze and submit a displacement application that proposes to share a channel with the other station. As explained in the previous paragraph, these stations may submit STA requests to operate on a shared basis on the channel proposed in their pending displacement applications.

10. For additional information or questions concerning the matters addressed in this Public Notice, contact Joyce Bernstein (legal) at (202) 418-1647 or Joyce.Bernstein@fcc.gov or Hossein Hashemzadeh (technical) at (202) 418-1658 or Hossein.Hashemzadeh@fcc.gov. Press contact: Charles Meisch, (202) 418-2943 or Charles.Meisch@fcc.gov.

-FCC-

[16] *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 03-185, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd 14927, 14942 n.98 (2015) ("In the event the sharing stations are all displaced as a result of the incentive auction or repacking process, each station will file an application for a construction permit for identical technical facilities during the post-incentive auction displacement window proposing to share the channel, including a copy of the CSA as an exhibit.") (*LPTV DTV Third R&O*).

[17] *LPTV Procedures Public Notice* at para. 30 ("If only a potential sharee's station is subject to displacement as a result of the incentive auction and repacking process, the potential sharee station may file an application to propose sharing the sharer's non-displaced facilities at any time after April 13, 2017 and is not limited to filing during the Special Displacement Window."); *id*. at n.85 ("[A]n LPTV or TV translator station that is subject to displacement but is not yet required to discontinue operations on its current channel may act as a sharer for another displaced station that is required to discontinue operations."). *See also LPTV DTV Third R&O*, 30 FCC Rcd at 14942 n.98.