



Federal Communications Commission
Washington, D.C. 20554

March 23, 2018

KAZN-TV Licensee, LLC
27 William Street
11th Floor
New York, NY 10005

Re: Request for Waiver of Deadline to
Implement Shared Channel Operations
KILM, Inglewood, CA
Facility ID No. 63865
LMS File No. 0000048849

Dear Licensee,

On March 16, 2018, KAZN-TV Licensee, LLC (KAZN) submitted the above-captioned request for waiver for KILM, Inglewood, California (the Station) of its April 23, 2018, deadline to implement shared channel operations and discontinue operations on its pre-auction channel (channel sharing implementation deadline).¹ For the reasons set forth below, we grant the request for waiver, extend the channel sharing implementation deadline to July 23, 2018.

Background. The Commission instructed that channel sharee stations² must implement shared channel operations and discontinue operations on their pre-auction channels by January 23, 2018.³ A channel sharee station may request a waiver of the channel sharing implementation deadline.⁴ All such requests for waiver will be evaluated to determine whether grant will delay or disrupt the post-auction transition schedule.⁵

A waiver is appropriate where the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall policy on an individual basis.⁶

¹ 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, 2813, para. 76 (MB & WTB 2017) (*Closing and Channel Reassignment Public Notice*); see also *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 879, para. 63 (MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR §§ 73.3700(b)(4)(ii).

² Absent any contrary information from the station, any station that indicated it had a pre-auction channel sharing agreement (CSA) and/or an intent to channel share on its reverse auction FCC Form 177 is considered a channel sharee station until the station fails to meet or obtain a waiver of the channel sharing application filing deadline.

³ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2813, para. 76; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 879-80, paras. 63-64.

⁴ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2814, para. 81; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 881, para. 69. Channel sharee stations may request an additional 90 day waiver of the deadline (for a total of 180 additional days) using the same procedure. *Id.*

⁵ *Id.*

⁶ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972); 47 CFR § 1.3 (waiver for good cause shown).

KAZN was previously granted a waiver extending its channel sharing implementation deadline to April 23, 2018.⁷ In support of its second request for waiver of the deadline, KAZN notes that it will be sharing with KPXN-TV, San Bernardino, California. KAZN states that it has been using the extra time granted by the Commission to finalize arrangements in order to implement its channel sharing relationship. KAZN states that there has been a need for extensive planning due to the nature of the Station's foreign language programming to provide notifications to viewers through the various services that list TV schedules, rescanning on home TVs, and updating the media kits. KAZN states that it is concerned that when it converts from its current operation to the shared facility, it will have an impact on its viewers and it wants to minimize any difficulty its viewers have in finding the station's unique and specialized programming either over-the-air or through multichannel video programming distributors (MVPDs). In this regard, KAZN maintains that it has been trying to work out a long-term arrangement with one of the MVPDs to ensure continued carriage of the station's programming.

In addition, KAZN states that there are several equipment acquisitions and installations that need to be done at a time when there are a limited number of suppliers and installers available in the Los Angeles area, many of whom are already working on projects for other stations in the market. For example, KAZN maintains that it needs a new fiber feed to its host station's master control. KAZN explains that the host needs to do a trial mixing of the signal into their pool with testing of the signal quality on both the site and the field.

KAZN notes that it carries programming directed to the large Chinese population (approx. 500,000) in the Los Angeles area through its subsidiary company, Sino Television Inc. (Sino TV), which KAZN represents is a major source of information and free television programming for this community. KAZN further notes that CTS America also operates on one of the Station's multicast channels and provides Chinese programming directed to the Taiwanese population. KAZN states that both Sino TV and CTS America have been looking for another outlet for their programming in the LA area, as the bandwidth available on the Station after the implementation of channel sharing will not support the continued broadcast of these multicast channels. KAZN believes that the additional time would be of great help to enable these programmers to continue serving the large Chinese speaking population of the greater LA area.

KAZN argues that grant of its waiver is in the public interest. KAZN maintains that the additional time will facilitate the Station's ability to channel share successfully and without disruption, which KAZN argues will promote the Commission's longstanding policy goals for broadcast television, including localism, viewpoint diversity, and competition. Furthermore, KAZN argues that grant of its waiver permits the Station to continue to utilize its current channel for an additional three months and serve its long-time over-the-air viewers with the Station's primary and multicast streams, which offer a unique programming service to foreign language and minority viewers in the Los Angeles DMA. Finally, KAZN maintains that there will be no adverse impact on the post-auction transition as Phase 1 of the repack is no scheduled until September 14, 2018.

Discussion. Upon review of the facts and circumstances presented, we find KAZN's request to extend the channel sharing implementation deadline until July 23, 2018, satisfies the requirements for a waiver. We find that it would not be consistent with the public interest to require the Station to implement its shared channel operations by its current deadline as it is currently completing implementation of its shared channel operations. Given that the testing period start date for transition

⁷ See LMS File No. 0000034070.

phase 1 is not set to begin until September 14, 2018, we find that waiver of the channel sharing implementation deadline will not adversely impact the post-incentive auction transition.

Any further requests for waiver of the channel sharing implementation deadline will not be viewed favorably.⁸

The above facts considered, KAZN-TV Licensee, LLC's request for waiver **IS GRANTED** and the deadline to implement its shared channel operations and to discontinue operations on its pre-auction channel for KILM, Inglewood, California **IS EXTENDED** to July 23, 2018.⁹

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Mark Lipp, Esq.

⁸ Further requests to waive the channel sharing implementation deadline must be filed no later than May 23, 2018. *Id.* at 880, para. 70 (requests for waiver of the channel sharing implementation deadline must be filed no later than 60 days prior to the deadline).

⁹ Because the requested channel sharing implementation deadline falls on Sunday, July 22, 2018, we set Monday, July 23, 2018, as the new deadline. *See* 47 C.F.R. § 1.4.