

REQUEST FOR A WAIVER OF SECTIONS 73.3700(b)(1)(i), (b)(4)(ii) and (b)(5)(i)
REQUEST FOR EXTENSION OF TIME TO FILE A CONSTRUCTION PERMIT FOR
A NEW CHANNEL SHARE AGREEMENT AND
TO IMPLEMENT A NEW CHANNEL SHARE AGREEMENT
MAY 6, 2018

Minority Television Project, Inc. (“MTP”), licensee of full power noncommercial television station KMTP-TV, Channel 33, San Francisco, California, requests a waiver of Sections 73.3700(b)(1)(i), (b)(4)(ii) and (b)(5)(i) of the Commission’s Rules, 47 CFR § 73.7300(b)(1)(i), (b)(4)(ii) and (b)(5)(i), to permit MTP additional time to implement its Channel Sharing Agreement (“CSA”) and file an application for a construction permit to move to the transmitting location of the Sharer station. In support of its request, MTP submits the following:

MTP was a successful go-off-air bidder in the Commission’s Reverse Incentive Auction. In its application to participate in the Reverse Auction, MTP indicated that it would seek to enter into a CSA if successful in the auction.

MTP previously filed a channel sharing agreement with KCNZ-CD, San Francisco, CA, licensed to Poquito Mas Communications, LLC, and MTP was granted a construction permit to move its facilities to the KCNZ site. On April 16, 2018, MTP filed a license application to operate at the KCNZ site. MTP withdrew the license application on May 4, 2018.

MTP and Poquito Mas will not be proceeding further with the channel sharing agreement. MTP therefore requests an extension of time to locate a new channel sharing partner, enter into a new channel sharing agreement, and file a new construction permit application. When the Commission granted the current extension of time, until July 23, 2018, the Commission stated:

MTP argues that the public interest will be served by grant of its waiver. MTP maintains that grant of its waiver will not impact the post-auction transition because the first phase of the transition will not occur until September 2018. and existing facilities are being used. Therefore, MTP argues. no resources will be diverted to implement the shared operations. In addition, MTP notes that KMTP’s current channel, Channel 33. is not in the new 600 MHz wireless band. and therefore. it concludes continued use will not impact new wireless licensees looking to launch service.

Discussion. Upon review of the facts and circumstances presented, we find MTP’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 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 phase I 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. Further, because Station

operates on a channel in the television band, continued use of its pre-auction channel will not adversely impact 600 MHz wireless licensee deployment plans.

All of the reasons that the Bureau identified for granting the current extension remain applicable for granting the requested further extension. The requested waiver will not impact the post-auction transition, because the first phase of the transition will not occur until September 2018, and existing facilities are being used. Therefore, no resources will be diverted to implement the shared operations. In addition, KMTP's current channel, Channel 33, is not in the new 600 MHz wireless band, so continued use will not impact new wireless licensees looking to launch service.

MTP, therefore, requests additional time to enter into a new channel sharing agreement, file a new construction permit application, and implement a new channel sharing agreement. MTP requests a waiver of Sections 73.3700(b)(1)(i), (b)(4)(ii) and (b)(5)(i), to September 13, 2018, to complete that process. A grant of the requested waiver will serve the public interest by allowing MTP to continue to provide its unique programming to the minority communities of the San Francisco service area.