



Federal Communications Commission
Washington, D.C. 20554

May 22, 2018

ZGS Providence, Inc.
2000 North 14th Street
Suite 400
Arlington, VA 22201

Re: Request for Waivers of Deadlines
To File Application For Construction
Permit and Implement Shared Channel
Operations
WRIW-CD, Providence, RI
Facility ID No. 70184
LMS File No. 0000054311

Dear Licensee,

On May 21, 2018, ZGS Providence, Inc. (ZGS) submitted the above-captioned request for waiver for WRIW-CD, Providence, Rhode Island (Station) of its May 23, 2018, deadline to file an application for construction permit for shared channel operations (channel sharing application filing deadline).¹ ZGS also requests a waiver of its July 23, 2018, deadline to implement shared channel operations and discontinue operations on its pre-auction channel (channel sharing implementation deadline).² For the reasons set forth below, we grant the request for waiver, extend the channel sharing application filing deadline to August 21, 2018, and channel sharing implementation deadline to October 22, 2018.

Background. The Commission instructed that channel sharee stations³ must file an application for construction permit for their shared channel operations by November 24, 2017, and implement shared channel operations and discontinue operations on their pre-auction channels by January 23, 2018.⁴ A channel sharee station may request waivers of either the channel sharing application filing deadline or

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, 880, para. 64 (MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR §§ 73.3700(b)(1)(vii).

² See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2813, para. 76; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 879, para. 63; 47 CFR §§ 73.3700(b)(3), 73.3700(b)(4)(ii).

³ 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.

⁴ 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; 47 CFR §§ 73.3700(b)(1)(vii), 73.3700(b)(3), 73.3700(b)(4)(ii).

channel sharing implementation deadline.⁵ All such requests for waiver will be evaluated to determine whether grant will delay or disrupt the post-auction transition schedule.⁶

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.⁷

ZGS was previously granted two 90-day waivers extending its channel sharing application filing deadline currently to May 23, 2018, and its channel sharing implementation deadline to July 23, 2018.⁸ In support of its third request for waiver of these deadlines, ZGS states that has completed a CSA with WPXQ-TV, Block Island, Rhode Island but because of a technical issue with the Media Bureau's Licensing and Management System (LMS) it is unable to submit its channel sharing application. Once the LMS is resolved, ZGS states it will promptly submit its application. In the interim, the Media Bureau has granted ZGS Special Temporary Authority (STA) to begin temporarily sharing with WPXQ-TV. ZGS states that the Station is currently being sold to NBC-Telemundo and that an assignment application was filed on May 9, 2018.⁹ If the LMS filing issue is not in time, ZGS represents that, after the Media Bureau grants the assignment application, it will comply with the notification requirements for channel sharee stations, will discontinue operations on its pre-auction channel, will consummate the assignment and the Station will begin sharing with WPXQ-TV via the STA. ZGS expects these actions to be completed by July 20, 2018; however, out of an abundance of caution it is seeking a waiver of its July 23, 2018 channel sharing implementation deadline.

Discussion. Upon review of the facts and circumstances presented, we find ZGS's request to extend the channel sharing application filing deadline until August 21, 2018, satisfies the requirements for a waiver. In this case, we find that it would not be consistent with the public interest to require ZGS to file its application for construction for shared channel operations by its current deadline as a technical issue with the LMS filing system is preventing the application from being filed. ZGS has entered into a CSA with a host station and has pledged to file its application as soon as the LMS issue is resolved.

We also find that ZGS's request to extend the channel sharing implementation deadline until October 22, 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. We find that the public interest will be served by waiver of the deadline because it will allow ZGS more time to complete the assignment of the Station and its shared operations with its host station, implementation of which has been delayed because of the LMS filing issue. We conclude that it is not likely that a delay will result in resources being diverted from the post-auction transition as the Station will be sharing an existing facility. Finally, Station's continued operation on its pre-auction channel should not impact operations by new wireless licensees because the pre-auction channel (36) is not within in the new 600 MHz band.

⁵ 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 these deadlines (for a total of 180 additional days) using the same procedure. *Id.*

⁶ *Id.*

⁷ 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).

⁸ See LMS File No. 0000033993 and 0000040572.

⁹ See File No. BAL-20180509ABV.

Any further requests for waiver of the channel sharing application filing deadline or channel sharing implementation deadline will not be viewed favorably.¹⁰

The above facts considered, ZGS Providence, Inc's. request for waiver **IS GRANTED** and the deadline to file an application for construction permit for shared channel operations for WRIW-CD, Providence, Rhode Island **IS EXTENDED** for 90 days to August 21, 2018; and its deadline to implement its shared channel operations and to discontinue operations on its pre-auction channel for WRIW-CD, Providence, Rhode Island **IS EXTENDED** for 90 days to October 22, 2018.¹¹

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: David M. Silverman, Esq.

¹⁰ Further requests to waive the channel sharing application filing deadline must be filed no later than July 23, 2018. *See Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 879, para. 66 (requests for waiver of the channel sharing application filing deadline must be filed no later than 30 days prior to the deadline). Further requests to waive the channel sharing implementation deadline must be filed no later than August 24, 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).

¹¹ Because the extended channel sharing implementation deadline falls on Sunday, October 21, 2018, we set Monday, October 22, 2018, as the new deadline. *See* 47 C.F.R. § 1.4.