Request to Extend Special Temporary Authority

DTV America Corp. ("DTV America") respectfully requests a six month extension of its Special Temporary Authority ("STA") to remain silent while it constructs a permanent broadcast facility for this Low Power Television ("LPTV") station. The FCC has a history of granting such extension requests, particularly where, as here, the request is supported by good cause and granting it would further the public interest.[1]

Unique circumstances support this request. First, control of DTV America was recently acquired by HC2 Broadcasting Inc. ("HC2"), and the company is in the process of transitioning to new ownership.[2] This transaction consummated on November 9, 2017, and involved more than 400 LPTV stations.[3] HC2 is committed to quickly deploying LPTV service on these stations and is currently surveying its resources and developing construction and operation plans.

Second, DTV America is operating in a resource-constrained environment due to the ongoing 600 MHz Incentive Auction repacking process. Station owners seeking to build new broadcast facilities currently have access to far fewer resources than they would have otherwise, a factor that the FCC and its bureaus acknowledged could become an issue when designing the repacking process to facilitate this "once-in-lifetime opportunity to expand the benefits of mobile wireless coverage."[4]

Third, an extension may be necessary to avoid the inefficiency and waste associated with building a second, duplicative broadcast facility that can only be used for a short period of time. The station may be displaced as part of the repacking process and would need to build a separate facility to operate on a new channel.[5] Thus, if required to resume transmission prior to the STA's current expiration date, DTV America may be forced to build a first facility to operate on the station's current channel and then, soon after, a second facility to operate on the station's new channel.

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[1] *See, e.g.*, Application 0000034182, KZSD-LP, Facility ID 57054 (granting an LPTV station an STA extension on October 26, 2017, to allow the station to address "the fact that the Station's existing STA frequency will no longer be available in the reduced post-auction broadcast spectrum"); Application 0000030510, KDUG-LD, Facility ID 128855 (granting an LPTV station an STA extension on October 2, 2017, to accommodate its filing of a minor change application); Application 0000033847, KLFA-LD, Facility ID 13999 (granting an LPTV station an STA extension on October 17, 2017, to accommodate the station's concern "over whether [it] will be able to have a broadcast channel to operate on following repacking").

[2] *See* Press Release, HC2, HC2 to Acquire Majority Interest in DTV America (June 27, 2017), http://ir.hc2.com/phoenix.zhtml?c=67300&p=irol-newsArticle&ID=2283524.

[3] *See DTV America et al*., Order, DA 17-1058, App. A (MB, rel. Oct. 31, 2017).

[4] *See, e.g.*, *Incentive Auction Closing and Channel Reassignment Public Notice et al*., Public Notice, 32 FCC Rcd 2786 (MB 2017) ("*Channel Reassignment PN*"); *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6597 ¶ 3 (2014).

[5] *See, e.g., Channel Reassignment PN*.

Moreover, granting this request would not implicate Section 312(g) of the Act, which generally limits silent station authorizations to 12 months.[6] The STA is for an initial period of six months and, if extended by an additional six months as requested, would not exceed this 12 month limit.

For these reasons, the Media Bureau should expeditiously grant DTV America's request for an extension of the station's STA to remain silent while it constructs a permanent broadcast facility for the station.

[6] *See* 47 U.S.C. § 312(g).