



Federal Communications Commission
Washington, D.C. 20554

April 18, 2019

HC2 Station Group, Inc.
450 Park Avenue
30th Floor
New York, NY 10022

Re: Request for Waiver of
Post-Incentive Auction
Consumer Education Requirements
W15EA-D, Memphis, TN
Facility ID No. 168014
LMS File No. 0000063762

Dear Licensee,

HC2 Station Group, Inc. (HC2) has submitted the above-referenced request for waiver for W15EA-D, Memphis, Tennessee (the Station), of the post-incentive auction consumer education requirements.¹ For the reasons set forth below, we grant the request for waiver.

Background. Pursuant to Section 73.3700(c)(3) of the Commission's rules (Rules), repacked stations must air sixty (60) seconds per day of on-air crawls or public service announcements (PSAs) beginning 30-days prior to discontinuing operations on their pre-auction channel.² In the *Closing and Channel Reassignment Public Notice*,³ the Station was assigned to transition phase 1, which has a testing period start date of September 14, 2018 and phase completion date of November 30, 2018.

On November 27, 2018, HC2 filed a request waiver of the viewer notification requirements, explaining that it was unable to install the insertion equipment which was needed in order to insert the required announcements into the program stream, and therefore the Station was unable to air the required public information announcements as required by the Commission's rules. HC2 reported that in an effort to use alternative means to notify viewers, W15EA-D-CD posted on its website a link directing viewers to follow in order to rescan their television to the post-transition channel. On February 11, 2019, HC2 amended this request to inform the Commission that the Station has since undertaken the following efforts to ensure broad dissemination to notify viewers in the market: (1) posting a banner announcement on the front page of its website notifying viewers of the Station's current channel and directing viewers to rescan their televisions to the post-transition channel; (2) purchasing a 30-second radio advertisement with 21 runs through iHeart Radio stations in the market to provide viewer notification of the station transition in the Memphis market, which includes 24,000 listeners; and (3) purchasing a newspaper advertisement in the *Memphis Daily News*; (4) aired 30-second PSAs that aired on W15EA-D starting on January 2, 2019.

¹ 47 CFR § 73.3700(c)(3).


² *Id.*

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 (MB & WTB 2017) (*Closing and Channel Reassignment Public Notice*).

Discussion. Upon review of the facts and circumstances presented, we find that grant of HC2's request for waiver is in the public interest. 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.⁴ Given the facts and circumstances, including efforts undertaken by the Station to ensure its viewers were notified of its channel change prior to and following its transition, we grant HC2's waiver request.

Accordingly, HC2 Station Group, Inc.'s request for waiver of the post-incentive auction consumer education requirements, 47 CFR § 73.3700(c)(3), for W15EA-D, Memphis, Tennessee, **IS GRANTED.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara A. Kreisman', with a stylized flourish at the end.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc:

Paul A. Cicelski, Esq.
Rebecca Hanson, Esq.

⁴ 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).