



Federal Communications Commission  
Washington, D.C. 20554

May 14, 2019

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

Re: Request for Waiver of  
Post-Incentive Auction  
Consumer Education Requirements  
W17DJ-D, Huntsville, AL  
Facility ID No. 67020  
LMS File No. 0000071648

Dear Licensee,

HC2 Station Group, Inc. (HC2) has submitted the above-referenced request for waiver for W17DJ-D, Huntsville, Alabama, (the Station or W17DJ-D), of the post-incentive auction consumer education requirements.<sup>1</sup> For the reasons set forth below, we grant the request for waiver.

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.<sup>2</sup> 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.<sup>3</sup>

In the *Closing and Channel Reassignment Public Notice*,<sup>4</sup> the Station was assigned to transition phase 2, which has a testing period start date of December 1, 2018 and phase completion date of April 12, 2019. On April 16, 2019, HC2 filed a request for waiver with respect to the post-incentive auction viewer notification requirements, explaining that it had originally planned, and provided consumer notification that it would transition on April 12, 2019, the last day of Phase 2. However, instead the Station transitioned to its post-auction channel on March 29, 2019. Because at that time the Station was silent, it was unable to air the required on-air consumer education notices notifying viewers of the change in date. In an effort to use alternative means to notify viewers of its early-transition, HC2 posted an announcement on its website notifying viewers of the change in transition date and directing viewers to rescan. In addition, HC2 commits to (1) 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 Huntsville market, which includes listeners in Huntsville, Alabama – W17DJ-D's community of license; and (2) purchasing a newspaper advertisement in the Huntsville Times

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<sup>1</sup> 47 CFR § 73.3700(c)(3).

<sup>2</sup> *Id.*

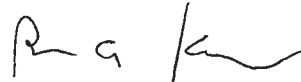
<sup>3</sup> See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972); 47 CFR § 1.3 (waiver for good cause shown).

<sup>4</sup> 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*).

Upon review of the facts and circumstances presented, we find that grant of HC2's request for waiver is in the public interest. 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 W17DJ-D, Huntsville, Alabama, **IS GRANTED.**

Sincerely,

A handwritten signature in black ink, appearing to read 'B 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.