

**WOCW-LP, Charleston, WV (Fac. Id. No. 25792)**  
**DTV America Corporation**

**Silent STA Extension Request and Request for Waiver of 47 U.S.C. § 312(g)**

DTV America Corporation, licensee of WOCW-LP, Charleston, WV (Fac. Id. No. 25792) (the “Station”), hereby amends its pending request for an extension of silent special temporary authority (LMS File No. 0000063994)<sup>1</sup> and respectfully requests that the FCC grant a four-week waiver extending the twelve-month off-air period of 47 U.S.C. § 312(g) to and until July 11, 2019.

The licensee has been working diligently to resume operations by the Station’s 312(g) deadline of June 13, the date of this filing. As of the date of this filing, *all of the engineering, equipment and deliveries necessary to resume operation of the Station have been received and/or completed*, other than installation of the transmission line. The line was supposed to be installed today, but lightning storms have prevented the riggers from climbing the tower. The riggers will stay at the site until tomorrow, when the weather is supposed to clear up, to install the transmission line. Thus, *the licensee expects to resume Station operations and file its license to cover tomorrow*, barring any new and unforeseen delays, including continued bad weather.

Were it not for these lightning storms, the Station would have resumed operational status today, and its license to cover would have been filed today. In fact, the licensee had planned for the Station to resume operations last week, but the antenna and transmission line were not delivered on time. They were supposed to have been delivered and installed last week.

The licensee ordered this antenna and line months ago, leaving ample time for delivery, in reliance on assurances from the vendor that the delivery would be as scheduled for last week. The vendor then continually assured the licensee that the equipment was “in transit.” Despite repeated promises that the equipment would be delivered “soon”, and the licensee’s explanation to the vendor as to the significant consequences of late delivery, the equipment was delivered late, leaving no room for weather delays. The licensee is requesting a four-week extension out of an abundance of caution, including in the event weather delays continue tomorrow and the riggers need to be reassigned, which could take a few weeks.

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<sup>1</sup> The FCC has a history of granting such requests, particularly where, as here, the request is supported by good cause and granting it would further the public interest. *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”).

These conditions are outside of the control of the licensee, and the licensee is therefore requesting a modest extension of time for the Station to resume operations. Were it not for the extraordinary pressures on industry resources created by the post-incentive auction repack, we believe the resources would have been available for the Station to meet its build deadline. The Incentive Auction Task Force and the Media Bureau have stated that “[I]n considering requests to extend or reinstate a license, we will examine whether the station has demonstrated that its silence is the result of compelling reasons beyond the station’s control, including facts that relate to the post-auction transition process.”<sup>2</sup>

Given the irretrievable investments that the licensee has already made in constructing the displaced Station in a timely manner, and given that the build for this Station is almost entirely complete, the licensee respectfully submits that the Media Bureau is fully justified in granting this brief extension. Section 312(g) provides that “If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then...the Commission may extend or reinstate such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness.”<sup>3</sup> Thus, the Media Bureau has the authority to extend the Station’s license “for any...reason to promote equity and fairness” and, the facts and circumstances faced by the Station justify the Media Bureau to use such discretion in this case.

Exercise of the Media Bureau’s discretion in this case will also advance the public interest by preserving service to viewers in the Station’s community, ensuring that this community enjoys a diversity of free, over-the-air viewing options, including the free specialty Spanish-language Azteca America programming that will be aired by the Station. It is unlikely that the Commission intends to open a window for new low power television licenses and allotments in the foreseeable future. Consequently, a failure to extend the Station’s 312(g) deadline would result in an unused television allotment for the communities served by the Station, and a loss of valuable service to viewers, contrary to the public interest. For these reasons and those described above, granting this request is in the public interest.

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<sup>2</sup> *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, MB Docket No. 16-306, GN Docket No. 12-268, DA 18-884, n. 25 (Aug. 27, 2018).

<sup>3</sup> 47 U.S.C. § 312(g).