

Request for Waiver of Phase Assignment

HC2 Station Group, Inc., the licensee of KAZD, Lake Dallas, Texas (FID 17433) files this request for a waiver of the post-Incentive Auction Transition Phase assignment and corresponding testing dates and construction completion deadlines for KAZD. KAZD was assigned to Transition Phase 3 pursuant to the Closing and Reassignment Public Notice.¹ KAZD now requests re-assignment to Transition Phase 4 because construction of its post-transition facility has been delayed by circumstances outside of its control.

The licensee has been working diligently to meet its Phase 3 deadline. 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 certain electrical components that have been unexpectedly delayed in customs at the Mexican border. The components were ordered with ample time for them to clear customs in time to make the Phase 3 deadline; however, they have not cleared customs for reasons unbeknownst to licensee or the component vendor. These components are necessary to feed electricity to the transmitter, which is installed. Licensee believes the electrical components could be delivered and installed in two to three weeks, meaning it reasonably believes it will make the Phase 4 deadline.

In the Transition Scheduling Adoption Public Notice,² the Commission anticipated that there would be circumstances where a station would need to seek a waiver of the phase construction deadline, including authority to continue operating on its current channel. The Commission indicated that it would consider these requests on a “case-by-case basis,” by evaluating the impact to viewers and the transition schedule.³ Re-assigning KAZD to a later transition phase will allow it to stay on the air until it can move to its post-transition channel and ensure its viewers are not left without important programming. This full power station airs the licensee’s network *Azteca America*, which is popular over-the-air programming with the significant Hispanic population of Dallas, and loss of revenue from KAZD will cause financial hardship for the licensee.

¹ *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 Red 2786 (WTB & MB 2017) (*Closing and Channel Reassignment Public Notice*).

² *Incentive Auction Task Force and Media Bureau Adopt A Post-Incentive Auction Transition Scheduling Plan*, MB Docket No. 16-306 and GN Docket No. 12-268, 32 FCC Red 890 (MB 2017) (*Transition Scheduling Adoption Public Notice*).

³ *Transition Scheduling Adoption Public Notice*, ¶ 49.

KAZD is not part of a linked set and does not require coordination with any other station to complete its transition.

Accordingly, the grant of this request will serve the public interest by permitting KAZD to continue serving viewers while the station completes its transition to its post-repack channel.