

Waiver of Phase Assignment

Community Television Educators of DFW, Inc. (Community Television), licensee of KDTN(TV), Denton, TX (FID 49326) (KDTN) files this request for waiver of the post-Incentive Auction Transition Phase assignment and corresponding testing dates and construction completion deadlines for KDTN. KDTN was assigned to Transition Phase 3 pursuant to the *Closing and Reassignment Public Notice*.¹ KDTN now requests re-assignment to Transition Phase 4 because construction of its post-transition facility has been delayed by circumstances outside of its control.

KDTN's construction permit calls for KDTN to operate from the American Tower Corporation facility known as Cedar Hill, on a shared broadband antenna with television stations KTXA, KTVT, KTXD, and KDTX. Because of the shared nature of the Cedar Hill site, American Tower has been responsible for managing the repack process, including the ordering and installation of equipment necessary for KDTN to transition from RF channel 43 to RF channel 29.

Community Television has learned that the electrical service installed at the Cedar Hill site is incapable of safely operating the TXUD40000ALC solid state transmitter that Community Television ordered for its post-transition operations. Specifically, the stepdown transformer is not installed to code and the current 1200 amp electrical service within the building needs to be modified. As a result, Community Television has been unable to turn on its transmitter, test the transmitter's water cooling functionality, or perform the necessary adjustments for its transmitter to work with the broadband antenna array. Community Television expects that it will take at least two weeks to correct the electrical issue and complete the above tasks.

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 KDTN 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 from the Daystar Television Network.

Although KDTN is part of a linked set, it does not have any downstream dependencies. Because KDTN currently operates in the 600MHz band, a delay in its transition will not create a new

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 Rcd 890 (MB 2017) (*Transition Scheduling Adoption Public Notice*).

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

linked station set. Community Television notified T-Mobile USA, Inc. (“TMO”) about the circumstances.

All thirteen stations in the Dallas-Fort Worth market that must transition to post-repack facilities have been assigned to Transition Phase 3. Of those, at least one such station, KAZD(TV), Fac. ID 17433, has already requested an extension. Therefore, if KDTN moves to Phase 3, it will not result in any additional rescans.⁴

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

⁴ See *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, DA 17-107 at ¶¶ 20 and 21 (MB 2017) (*Transition Scheduling PN*).