



Federal Communications Commission  
Washington, D.C. 20554

July 9, 2019

KRCA License LLC, Debtor-in-Possession  
1845 Empire Avenue  
Burbank, CA 91504

Re: Request for Waiver Under  
Section 312(g)  
W24DE-D, Miami, FL  
LMS File No. 0000075874  
Facility ID No. 168061

Dear Licensee:

This concerns the above-referenced request for waiver of Section 312(g) of the Communications Act (Request) filed on July 3, 2019, by KRCA License LLC, Debtor-in-Possession (KRCA), licensee of low power television station W24DE-D, Miami, Florida (W24DE or Station). For reasons set forth below, we grant the request, waive all applicable rules, and extend the Station's license for a period of 180 days from the date of this letter.

*Background.* Section 312(g) provides that "[i]f a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license...for any reason to promote equity and fairness."<sup>1</sup> In the *Incentive Auction R&O*, the Commission explained that it would be receptive to requests for reinstatement or extension of a station's license under Section 312(g), "tak[ing] into account the extent to which a station has been involuntarily forced to remain dark as a result of the repacking process and whether, in light of the facts presented, equity and fairness dictate a license extension or reinstatement and a waiver."<sup>2</sup> Further, in the *Post-Incentive Auction Procedures PN* the Media Bureau stated that, in considering requests to extend or reinstate a stations license under Section 312(g) in order to promote fairness and equity, it "will examine whether the station has demonstrated that its silence is the result of compelling reasons beyond the stations' control, including facts that relate to the post-auction transition process."<sup>3</sup> Finally, in the *Special Displacement Window PN*, the Bureau permitted stations to file a displacement application on a contingent basis for channels in the repacked television band (channels 2-36) that full power and Class A stations would be relinquishing as a

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<sup>1</sup> 47 U.S.C. § 312(g).

<sup>2</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6806-07, para. 585 (2014) (*Incentive Auction R&O*).

<sup>3</sup> *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 873-74, para. 49 (IATF/MB 2017) (*Post-Incentive Auction Procedures PN*); see also *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, Public Notice, 33 FCC Rcd 8240, 88243, n.25 (MB/IATF 2018) (citing *Christian Broadcasting of East Point, Inc.*, 30 FCC Rcd. 13975, 13976-77, para. 4 (2015)).

result of the incentive auction and repacking process.<sup>4</sup> The Bureau stated that, if a conditional grant would require an LPTV or TV translator station to be silent for a consecutive 12-month period prior to discontinuation of operation by the full power or Class A station, the Bureau would “consider a request for extension or reinstatement pursuant to Section 312(g) of the Communications Act and a request for waiver of the Commission rule.”<sup>5</sup>

*Request.* As part of the incentive auction and repacking process, WAMI-DT, Hollywood, Florida, was reassigned to post-auction channel 24 and assigned to post-auction transition phase 2 with a phase transition completion date of April 12, 2019. WAMI-DT subsequently requested to change its transition date explaining that it would facilitate T-Mobile USA’s, an incentive auction winning 600 MHz wireless licensee, deployment of new, competitive wireless broadband service to people in the Miami area.<sup>6</sup> The Media Bureau granted WAMI-DT’s request and WAMI-DT transitioned to channel 24 on May 30, 2018.

KRCA explains that WAMI-DT’s transition displaced W24DE’s digital operations, and that it discontinued operations and went silent on May 30, 2018.<sup>7</sup> KRCA maintains that because of the WAMI-DT’s phase change it had limited advance notice of the displacement date. W24DE timely filed a displacement application requesting a construction permit for channel 20 on May 10, 2018, in the Commission’s displacement application filing window for low power television stations that were displaced by the incentive auction and repacking process (Special Displacement Window).<sup>8</sup> The Media Bureau determined that W24DE’s displacement application for channel 20 was mutually exclusive with two other applications filed by Paging Systems, Inc., licensee of WLMF-LD, Miami, Florida; and Caribevision Holdings, Inc., licensee WFUN-LD, Miami, Florida. As a result, the Station was placed in MX Group 11 (MX 11) along with those applicants.<sup>9</sup>

In its Request, KRCA asks that the Commission extend W24DE’s license pursuant to the provisions of Section 312(g) of the Communications Act of 1934 (Section 312(g)) finding that equity and fairness support such a decision. KRCA argues that W24DE’s continued silence is a result of circumstances beyond its control and that Commission precedent supports extension of the Station’s license pursuant to Section 312(g). Although W24DE was authorized to operate on an in-core channel in a market that was not transitioning until Phase 2, KRCA argues that the Commission granted WAMI-DT authority to transition to channel 24 early in “phase zero,” displacing W24DE-D earlier than KRCA had initially anticipated. Furthermore, KRCA argues that, due to the limited channel availability in one of the nation’s largest television markets, it has been unable to find a channel on which to operate in the interim.

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<sup>4</sup> See *Incentive Auction Task Force and Media Bureau Announce Post Incentive Auction Special Displacement Window April 10, 2018, Through May 15, 2018, and Make Location and Channel Data Available*, Public Notice, 33 FCC Rcd 1234, 1237, para. 7 (IATF/MB 2018) (*Special Displacement Window PN*)

<sup>5</sup> *Id.* at n.25 citing 47 U.S.C. § 312(g); *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction Transition*, Public Notice, 32 FCC Rcd 3860, 3865-66, para. 12 (IATF/MB 2017).

<sup>6</sup> See LMS File No. 0000029251.

<sup>7</sup> W24DE was granted silent authority *nunc pro tunc* on July 3, 2019. See LMS File No. 0000075874.

<sup>8</sup> See LMS File No. 0000053956; *Special Displacement Window PN*; *Incentive Auction Task Force and Media Bureau Extend Post Incentive Auction Special Displacement Window Through June 1, 2018*, Public Notice, 33 FCC Rcd 3794 (IATF/MB 2018).

<sup>9</sup> *Incentive Auction Task Force and Media Bureau Announce Settlement Opportunity for Mutually Exclusive Displacement Applications Filed During the Special Displacement Window: October 30, 2018 to January 10, 2019*, Public Notice, 33 FCC Rcd 10748 (IATF/MB 2018).

*Discussion.* Upon review of the facts and circumstances presented, we find that KRCA's request for waiver of Section 312(g) and to extend the Station's license for a period of 180 days from the date of this letter satisfies the requirements of Section 312(g) as described in the *Incentive Auction R&O*, the *Post-Incentive Auction Procedures PN*, and the *Special Displacement Window PN*, and is in the public interest. Consistent with the public interest, we will provide Section 312(g) relief to displaced LPTV and TV translator stations that are forced off the air by circumstances beyond their control related to the incentive auction and repacking. W24DE was authorized to operate on an in-core channel in a market that pursuant to the Transition Scheduling Plan would have been displaced in phase 2 with a phase completion deadline in April 2019. However, WAMI-DT achieved its transition to its post-auction channel in May 2018 pursuant to the grant of a phase change request, and W24DE was displaced much earlier than expected. As described above, due to circumstances outside its control, W24DE has been unable to return to the air because its displacement application for a channel in Miami, a market with limited channel availability, was mutually exclusive.

Accordingly, we find that in order to promote fairness and equity the request filed by KRCA License LLC, Debtor-in-Possession **IS HEREBY GRANTED**, the applicable Commission rules ARE WAIVED,<sup>10</sup> and the license for W24DE-D, Miami, Florida **IS EXTENDED** for 180 days from the date of this letter.

Sincerely,



Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Ari M. Meltzer, Esq. – Counsel for KRCA

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<sup>10</sup> 47 CFR §§ 74.15(f) and 74.763(c)