

K38OH-D, Saint Cloud, MN (Fac. Id. No. 184640)
DTV America Corporation

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

DTV America Corporation, licensee of K38OH-D, Saint Cloud, MN (Fac. Id. No. 184640) (the “Station”), hereby amends its pending request for an extension of silent special temporary authority (LMS File No. 0000067911)¹ and respectfully requests that the FCC grant a waiver extending the twelve-month off-air period of 47 U.S.C. § 312(g) for approximately two weeks to allow sufficient time for additional line to be delivered and installed for the Station’s temporary antenna.

The licensee has been working diligently to resume operations by the Station’s 312(g) deadline of September 2. When the Station’s engineers learned that the antenna intended for the Station was going to be delayed, the licensee repurposed an antenna from a station that the licensee is no longer building. This antenna was scheduled to be installed on time; however, when the Station’s engineers arrived to install the antenna, they realized that more line was needed, due to the interim antenna being hung higher on the tower than the originally intended antenna. This extra line should be delivered and installed in the coming days, after which the Station will be operational.

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. 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 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.”² 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. 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.

¹ An STA extension has been on file and pending since February 14, 2019. 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”).

² 47 U.S.C. § 312(g).