

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

DTV America Corporation, licensee of WKUT-LD, Bowling Green, KY (Fac. Id. No. 168485) (the “Station”), hereby amends its pending request for an extension of silent special temporary authority (LMS File No. 0000068296)<sup>1</sup> and respectfully requests that the FCC grant a waiver extending the twelve-month off-air period of 47 U.S.C. § 312(g) for such time sufficient for the FCC to grant the Station’s pending minor modification application and for the Station to be built promptly thereafter.

The licensee is prohibited from meeting its 312(g) deadline of September 6, 2019, the date of this filing because it has not been granted a construction permit for a pending minor modification. The licensee filed a minor modification application on August 30, 2019 (LMS File No. 0000080776) to move tower locations. Licensee originally vetted tower ASRN 1042711 with the understanding the tower location contained a shelter. However, unbeknownst to the tower company, the site manager had removed the shelter that was previously installed. The tower company worked diligently to identify a new tower that could accommodate our equipment. Once identified, the Licensee immediately filed the minor modification moving to the new tower, ASRN 104271. This minor modification application remains pending at the FCC, preventing the licensee from building the Station. While anticipating the granting of this construction permit, and foreseeing no reasons for it being denied, licensee proceeded to arrange for all of the engineering, equipment and deliveries necessary to resume operation of the Station to be shipped, received and ready to be installed upon receipt of the construction permit, in order to accelerate the Station’s achieving operational status and filing its license to cover.

It is the licensee’s belief that the Station will be able to resume operations in early October, once the FCC grants its construction permit. Not having the construction permit granted is a condition that is 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 purchases anticipating the granting of the construction permit so that it can become operational as soon as possible, 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>2</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>1</sup> 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”).

<sup>2</sup> 47 U.S.C. § 312(g).