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

DTV America Corporation, licensee of WODH-LD (Fac. Id. No. 182282) (the "Station"), hereby amends its pending request for an extension of silent special temporary authority (LMS File No. 0000069764)[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 such time sufficient for the Station to finalize installation of its combiner.

The licensee has been working diligently to resume operations by the Station's 312(g) deadline of October 7, 2019. 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 delivery of the combiner, which licensee is told is delayed until late November. Once the combiner is delivered, we will expedite its installation, and anticipate that the Station will be back in operational status by mid-December.

These conditions are beyond the control of the licensee. Given the irretrievable investments that the licensee has already made in constructing the Station, and given that the build for this Station is almost complete, the licensee respectfully submits that the Media Bureau is 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 April 5, 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).