



Federal Communications Commission  
Washington, D.C. 20554

October 16, 2019

One Ministries, Inc.  
PO Box 1118  
Santa Rosa, CA 95402

Re: Applications For Analog to Digital  
Replacement Translators  
KQSL, Lakeport, CA  
Facility ID No. 8378  
LMS File Nos. 0000053694 and  
0000053695

Dear Licensee,

This concerns the above-referenced applications filed by One Ministries, Inc. (OMI), licensee of KQSL, Lakeport, California (KQSL or Station), for analog-to-digital replacement translators (DRTs) and related request for waiver. For the reasons below, we deny OMI's waiver request and dismiss the applications.

*Background.* OMI notes that it acquired the Station in July 2018. When the Station transitioned from analog to digital channel 8 in 2009, OMI maintains that the Station "languish(ed) with few people being able to watch the over-the-air signal." OMI states that the Station "doesn't cover the main population areas very well . . . within its service contour over Mendocino and Lake County." OMI has filed the above-referenced DRT applications specifying UHF channels "to restore viewable over-the-air coverage for KQSL." OMI generally requests waiver of the rules "to process and grant (these) DRT application(s)."

*Discussion.* In 2015, the Commission permanently discontinued the acceptance of applications for new DRTs.<sup>1</sup> Therefore, OMI's applications are *prima facie* defective as they are for a service that no longer exists. Upon review of the facts and circumstances presented, we find insufficient facts exist to waive our rules and allow a grant of OMI's DRT applications. The Commission may waive its rules for good cause shown.<sup>2</sup> Waiver of the rules is appropriate if special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than would strict adherence to the general rule," including "more effective implementation of overall policy."<sup>3</sup> In determining whether waiver is appropriate, the Commission takes into account "considerations of hardship, equity, or more effective implementation of overall policy."<sup>4</sup> OMI has not shown that its request for waiver meets the Commission's standard for waiver.

When it eliminated the DRT service in 2015, the Commission concluded that the use of DRTs was no longer necessary because full power television stations had had over five years to apply for this

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<sup>1</sup> See *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations, Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Third Report and Order, 30 FCC Rcd 14927, 14963, para. 83 (2015) (*Third R&O*).

<sup>2</sup> See 47 CFR § 1.3. See also *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969) (*WAIT Radio*), cert. denied, 409 U.S. 1027 (1972); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

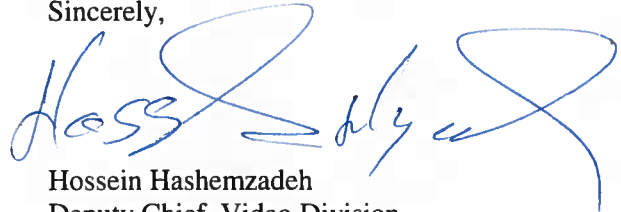
<sup>3</sup> *GE American Communications, Inc.*, 16 FCC Rcd. 11038, ¶ 9 (IB 2001).

<sup>4</sup> *WAIT Radio*, 418 F.2d at 1159.

type of replacement translator following the 2009 full-power digital transition.<sup>5</sup> In this case, the previous licensee of the Station had over five years following its transition to digital to pursue a DRT but apparently chose to not seek such a remedy to recover its purported lost viewers. OMI accepted this decision when it acquired the station, almost three years later. We conclude that waiving the rule and allowing OMI to apply for a service that was eliminated almost four years ago would be unfair to low power television (LPTV) and TV translator stations in the area that were displaced by the incentive auction and repacking process and who need available channels to continue broadcasting. Under the rules eliminated by the Commission in 2015, applications for DRTs were given a processing priority.<sup>6</sup> This meant that they were given priority over displacement applications filed by LPTV and TV translator stations. To waive the rules and allow OMI to now file for new DRTs would give OMI an unfair advantage over those displaced stations and would not constitute "a more effect implementation of overall policy."<sup>7</sup>

The above facts considered, One Ministries, Inc.'s request for waiver **IS DENIED** and its applications for analog to digital replacement translator stations **ARE DISMISSED**.

Sincerely,



Hossein Hashemzadeh  
Deputy Chief, Video Division  
Media Bureau

cc (via electronic mail): James Oyster, Esq.

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<sup>5</sup> *Third R&O*, 30 FCC Rcd at 14963, para. 83.

<sup>6</sup> See the former 47 CFR 74.787(a)(5)(i).

<sup>7</sup> *WAIT Radio*, 418 F.2d at 1159.