

Request for Waiver

Attached with this application is a letter from the FCC dated April 24, 2019, that indicated that the then-pending LPTV application of K21OR-D (Facility No. 128055; the facility being further modified by this filing) caused interference to the co-channel Mexican station at Allende Coah. In an effort to obtain a grant of this pending Channel 21 application and to avoid its dismissal, the pending LPTV application was modified to drastically-reduced facilities. Had the FCC not sent the April 24, 2019 letter, the applicant likely would not have amended its application and it would still be pending as initially filed.

In the *Public Notice*¹ announcing the filing window for pending new rural LPTV stations that were displaced by the Incentive Auction and repack process, the Commission stated that, in order to be considered “displaced” for the purposes of the window, the applicant must: (1) be subject to displacement by a full-power or Class A television station on the repacked television band as a result of the Incentive auction and repacking process; (2) have proposed a frequency repurposed for new, flexible use by a 600 MHz Band wireless licensee, or (3) have proposed a frequency that will serve as part of the 600 MHz Band guard bands (“*Window Eligibility Criteria*”).

With a granted CP (with the less-than-desirable reduction in ERP to 10 watts), it is requested that Station K21OR-D be permitted to displace to another channel (in this case Channel 22) due to the initial interference of the previous application’s facilities -- those facilities that resulted in the issuance of the FCC deficiency letter. (The FCC would not permit a channel change to resolve the deficiency until after a CP was awarded to the K21OR-D facility.)

As a granted authorization, Station K21OR-D is believed to be eligible for a minor change displacement outside of the current filing window for pending LPTV applications. Of course, the *Window Eligibility Criteria* extends to authorized and licensed LPTV stations. To the extent necessary, the Applicant respectfully requests a waiver of the *Window Eligibility Criteria* so that the Commission may process and grant of this channel displacement as a minor change.

¹ See *Filing Window for New Rural Digital Low Power Television and TV Translator Applicants Displaced By Incentive Auction and Station Repack*, Public Notice, DA 19-1215 (MB Dec. 2, 2019) (“*LPTV PN*”).