

KQDS REQUEST FOR WAIVER OF PHASE ASSIGNMENT

KQDS Acquisition Corp., the licensee of KQDS-TV, Duluth, Minnesota (“KQDS”), requests a waiver of its Post-Incentive Auction Transition Phase assignment, corresponding testing dates and construction completion deadline. Pursuant to the *Closing and Reassignment Public Notice*, KQDS has been assigned to Transition Phase 9, for which the phase completion date is May 1, 2020.¹ KQDS respectfully requests that the Commission grant the instant application and permit it to transition in Phase 10, pursuant to the Commission’s *Public Notice*, DA 20-282² and for the reasons described in this request. Modification of the current KQDS Phase 9 Transition, to Phase 10, would make July 3, 2020 the new construction completion date. In effect, that would be an extension of time within which to construct of approximately two months, from May 1 to July 3, 2020. KQDS is transitioning from Channel 17 to Channel 18.

As previously reported to the Commission, by letter dated February 27, 2020, Tower King II, Inc. informed KQDS that it would not be able to complete the antenna construction necessary for the final KQDS Phase 9 transition. KQDS had anticipated completion of that construction in time to transition fully by the May 1, 2020 deadline for Phase 9. It is possible that the unexpected change in schedule may have been caused or influenced by factors related to the COVID-19 crisis. Tower King II now states that it will perform a helicopter lift of the permanent KQDS antenna on July 20, 2020.

Upon learning of the withdrawal of Tower King II from its construction commitment, KQDS filed an application to extend its construction permit, which was granted by the Commission on April 7, 2020. (LMS File No. 00000106983) That construction permit was extended to October 28, 2020. In addition, KQDS filed an application for engineering Special Temporary Authority (“STA”) to operate KQDS on Channel 18 on an interim basis as of May 1, 2020, so that it could transition in Phase 9 and not cause interference issues to other stations. That engineering STA application for an interim Channel 18 operation is pending before the Commission. (LMS File No. 0000107543)

KQDS now requests that the Commission grant the instant application for legal STA so that it may transition in Phase 10. As matters stand now, if KQDS stays in Phase 9, it would initiate its interim Channel 18 operation as of May 1, 2020, and continue it until KQDS completes construction on, or shortly after, July 20, 2020. That would leave KQDS operating at reduced power under STA for approximately eleven weeks. If authorized to be part of Transition Phase 10, KQDS would stay at full power for two additional months and operate at reduced power for approximately three weeks.

¹ *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced, Public Notice*, 32 FCC Red 2786 (WTB & MB 2017) .

² *Guidance For Stations In Phase 9 Of The Post-Incentive Auction Transition As A Result Of The Novel Coronavirus (COVID-19) Pandemic*, DA 20-282, MB Docket No. 16-306, GN Docket No. 12-268 (rel. Mar. 17, 2020).

The United States is experiencing the most severe health crisis of modern times, along with economic and social disruptions of immense proportions. KQDS is a primary news provider to its broadcast service area. KQDS submits that minimizing reduced coverage during these troubled times clearly is in the public interest.

Moreover, based on publicly available information from the FCC, it appears that the two other television stations that would have been adversely affected by a delay in transition by KQDS already have applied to move from Phase 9 to Phase 10. (*See* STA applications of WLAX, LMS File No. 0000110294; and WEAU, LMS File No. 0000111350)

Consequently, KQDS urges that the Commission grant the instant legal STA application, and the pending engineering STA application, so that it can transition in Phase 10 and commence an interim Channel 18 operation at the end of Phase 10. Such grants, in combination with the already granted extension of its construction permit, will allow KQDS to continue its essential broadcastings services with minimal disruption and would mitigate the time during which it broadcasts under STA at reduced power. Grants of these STA applications would be harmless to the transition process and clearly in the public interest by permitting KQDS to provide important public broadcast services to the greatest extent possible.

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