

Amended Request for Extension of Silent Authority

Sander Operating Co. III LLC d/b/a/ KGW Television (“Licensee”), licensee of displaced low power television translator station KGWZ-LD (“KGWZ”), hereby amends its pending request for extended silent authority in light of impending circumstances that likely will result in KGWZ remaining silent for more than 12 consecutive months. Because these circumstances are beyond Licensee’s control, Licensee requests that KGWZ’s license and silent authority be extended for a further 180 days pursuant to Section 312(g) of the Communications Act¹ and the Commission’s rules and policies.

KGWZ went silent in late July 2018 in compliance with a 120-day commencement of operations notice from T-Mobile.² The station timely filed a displacement application, which was granted in February 2019.³ The Commission granted a minor modification to the station’s construction permit in July 2019.⁴ In the meantime, with T-Mobile’s consent, the station was able to briefly resume operations on its existing, pre-displacement facilities on May 19-20, 2019. The station subsequently was granted further authority on May 24, 2019, to remain silent pending construction of its displacement facilities.⁵ Licensee filed the instant application for extension of the station’s silent authority on November 5, 2019.⁶

Licensee has worked diligently to complete construction of KGWZ’s displacement facility. The station’s new transmitter has been installed and infrastructure for transmitting on the station’s pre-displacement channel has been removed. Licensee estimates construction was about a week from completion before work was interrupted by restrictions relating to the COVID-19 pandemic. However, due to the disruption caused by the pandemic, the station has not been able to replace its combiner and likely will not be able to do so before May 20, at which point the station will have been silent for 12 months. Because of the incomplete state of the station’s transition, it likely cannot broadcast a receivable signal on its pre-displacement channel, even temporarily (as it did in May 2019), nor can it begin broadcasts on its new channel.

Although ordinarily a broadcast station’s license would expire after 12 consecutive months of silence, the Commission is authorized to “extend or reinstate such station license” for any “reason to promote equity and fairness.”⁷ The Commission has recognized that extension and reinstatement of a station’s license is appropriate when the station is forced to remain silent for reasons beyond its control, including as a result of the post-Incentive Auction repacking.⁸ In KGWZ’s case, the station initially was forced to go silent by T-Mobile’s commencement of operations on the station’s channel. The station timely applied for and received a displacement

¹ 47 U.S.C. § 312(g).

² See File No. 0000058575.

³ File No. 0000054540.

⁴ File No. 0000077667.

⁵ File No. 0000073179.

⁶ File No. 0000088138.

⁷ 47 U.S.C. § 312(g).

⁸ *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6806-07 (2014); *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 873-74 (IATF/MB 2017).

construction permit and has diligently worked to construct facilities on its new channel. But for the disruption caused by the COVID-19 pandemic, Licensee believes construction of the station's new facilities would have been completed before the station's current period of silence reached the 12-month mark.

Because the station's extended silence is due to factors beyond the station's control, equity and fairness support Licensee's request that KGWZ's license and silent authority be extended for at least 180 days.