



Federal Communications Commission
Washington, D.C. 20554

July 7, 2020

Georgia Public Telecommunications Commission
260 14th Street NW
Atlanta, GA 30318
elaprade@gpb.org
(via electronic mail)

Re: Request for Waiver of Consumer
Education Requirements
WMUM-TV, Cochran, GA
Facility ID No. 23935
LMS File No. 0000116917

WACS-TV, Dawson, GA
Facility ID No. 23930
LMS File No. 0000116918

WGTV(TV), Athens, GA
Facility ID No. 23948
LMS File No. 0000116916

Dear Licensees,

On July 2, 2020, Georgia Public Telecommunications Commission, licensee of WMUM-TV, Cochran, Georgia (WMUM-TV), WACS-TV, Dawson, Georgia (WACS-TV), and WGTV(TV), Athens, Georgia (WGTV) (collectively “Stations”) filed the above captioned request for waiver of the Commission’s post-incentive auction consumer education requirements.¹ For the reasons below, we grant the Stations’ request for waiver, as conditioned herein.

Background. Pursuant to section 73.3700(c)(3) of the Commission’s rules (Rules), repacked stations must air sixty (60) seconds per day of on-air crawls or public service announcements (PSAs) beginning 30-days prior to discontinuing operations on their pre-auction channel.² The Media Bureau (Bureau) has stated that to the extent a station is not able to comply with its consumer education requirements, it must file a request for waiver.³ Waivers will be evaluated on a case-by-case basis in accordance with the Commission waiver standard and must include the following information: (1) an explanation describing why the station is unable to comply with the existing consumer education requirements; (2) an alternative but comparable means the station will use to notify viewers of the station’s new channel; and (3) why grant of the waiver request complies with the Commission’s general waiver standard.⁴ A waiver is appropriate where the particular facts would make strict compliance

¹ 47 CFR §§ 73.3700(c)(3).

² *Id.*

³ *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, MB Docket No. 16-306 and GN Docket No. 12-268, Public Notice, 33 FCC Rcd 8240, 8245, para. 15, n.41 (IATF & MB 2018) (*Transition Reminder Public Notice*).

⁴ *Id.*

inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall policy on an individual basis.⁵

The Stations were all assigned to transition Phase 10, which had a testing period start date of May 2, 2020 and phase completion date of July 3, 2020. WACS-TV and WGTV have both transitioned to their post-auction channel utilizing an interim antenna. WMUM-TV has been granted an extension of its phase completion date to July 13, 2020.⁶ In its filing, the Licensee discusses the efforts it has undertaken to complete construction and construction delays it has encountered, most recently due to weather. The Licensee states that as a result of these circumstances, and to minimize any viewer confusion in the event the Stations did not transition by July 3, the Stations did not commence their consumer education requirements, as required by section 73.3700(c)(3), 30 days prior to ceasing operation on its pre-auction channel.⁷ In order to ensure viewers are fully informed about the Stations' transition, the Licensee has undertaken consumer education and outreach efforts beyond what are required by Commission rules, including but not limited to: (1) additional public service announcements and crawls that will amount to 14 times the number of announcements required under the Rules; (2) the use of the Stations' digital and social media platforms; and (3) an e-mail notification to its viewers that subscribe to the Stations' weekly e-newsletter. The Licensee states that the Stations began undertaking these consumer outreach efforts on June 30, 2020.

Discussion. Upon review of the facts and circumstances presented, we find that grant of the Licensee's request for wavier is in the public interest. In order to ensure that viewers are fully informed about the Stations' transition, the Licensee has been undertaking expanded consumer education efforts. Cumulatively, these efforts resulted in more consumer education than would have occurred if the Stations had commenced its notices thirty days prior to its transition date. We find such consumer education and outreach efforts will be sufficient to ensure viewers are fully informed of the Stations' transition.

Accordingly, we **GRANT** Georgia Public Telecommunications Commission's request for waiver of the Commission's post-incentive auction consumer education requirements, 47 CFR § 73.3700(c)(3), for stations WMUM-TV, Cochran, Georgia, WACS-TV, Dawson, Georgia, and WGTV(TV), Athens, Georgia, subject to all the commitments made in the Stations' waiver request and compliance with all other Commission rules applicable to transitioning stations.⁸ Further, the Licensee is also required to continue airing its consumer education announcements, as required by 47 CFR § 73.3700(c)(3), until WMUM-TV transitions to its post-auction channel.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Cc (via electronic mail):
Derek Teslik, Esq.
Margaret L. Miller, Esq.

⁵ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); 47 CFR § 1.3 (waiver for good cause shown).

⁶ See LMS File No. 0000116917 (granted Jul. 7, 2020).

⁷ 47 CFR § 73.3700(c)(3).

⁸ See generally 47 CFR § 73.3700 and *Transition Reminder Public Notice*, 33 FCC Rcd 8240.