



Federal Communications Commission
Washington, D.C. 20554

September 21, 2020

Cayo Hueso Networks, LLC
Oscar Ibarra
P.O. Box 1471
29833 Ruby Ranch Road
Evergreen, CO 80437

Re: Request for Extension of
License and Silent Authority Under
Section 312(g)
WDGT-LD, Miami, FL
LMS File No. 0000121836
Facility ID No. 6046

Dear Licensee:

On September 18, 2020, Cayo Hueso Networks, LLC (CHN), licensee of low power television station WDTG-LD, Miami, Florida (WDTG or Station) filed the above-referenced request to extend license and silent authority (Request). For reasons set forth below, we grant the request, waive all applicable rules, and extend the Station's license and silent authority for a period of 180 days from the date of this letter.

Background. Section 312(g) of the Communications Act of 1934 provides that "[i]f a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license...for any reason to promote equity and fairness."¹ In the *Incentive Auction R&O*, the Commission explained that it would be receptive to requests for reinstatement or extension of a station's license under section 312(g), "tak[ing] into account the extent to which a station has been involuntarily forced to remain dark as a result of the repacking process and whether, in light of the facts presented, equity and fairness dictate a license extension or reinstatement and a waiver."² Further, in the *Post-Incentive Auction Procedures PN* the Media Bureau stated that, in considering requests to extend or reinstate a stations license under section 312(g) in order to promote fairness and equity, it "will examine whether the station has demonstrated that its silence is the result of compelling reasons beyond the stations' control, including facts that relate to the post-auction transition process."³ Finally, in the *Special Displacement Window PN*, the Bureau permitted stations to file a displacement application on a contingent basis for channels in the repacked television band (channels 2-36) that full power and Class A stations would be relinquishing as a result of the incentive

¹ 47 U.S.C. § 312(g).

² *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6806-07, para. 585 (2014) (*Incentive Auction R&O*).

³ *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 873-74, para. 49 (IATF/MB 2017) (*Post-Incentive Auction Procedures PN*); see also *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, Public Notice, 33 FCC Rcd 8240, 88243, n.25 (MB/IATF 2018) (citing *Christian Broadcasting of East Point, Inc.*, 30 FCC Rcd. 13975, 13976-77, para. 4 (2015)).

auction and repacking process.⁴ The Bureau stated that, if a conditional grant would require an LPTV or TV translator station to be silent for a consecutive 12-month period prior to discontinuation of operation by the full power or Class A station, the Bureau would “consider a request for extension or reinstatement pursuant to section 312(g) of the Communications Act and a request for waiver of the Commission rule.”⁵

Request. In its Request, CHN notes WDGT initially suspended operations on channel 9 on March 28, 2018 due to equipment failures. As part of the incentive auction and repacking process, WDGT’s channel 9 was subsequently displaced by WSVN, Miami, Florida. WDGT’s displacement application for channel 5 was granted on June 20, 2018.⁶ CHN reports that the Station’s transmitter equipment has finally arrived at the installer’s facility and now needs to be relocated and installed at the Station. CHN states that final installation of the transmitter is expected shortly; however, antenna installation is dependent upon the availability of tower crews, who CHN states are in high demand due to backlogs from the COVID-19 pandemic shutdown. To further exacerbate matters, CHN states that the Station’s manager, who will be supervising installation, is in Peru and due to COVID-19 based travel restrictions is unable to return to the United States to oversee and manage the installation process. Even without his presence, however, CHN states that installation can and will occur through a project manager contracted by the licensee. Therefore, CHN requests relief pursuant to section 312(g) and extension of its license and silent authority for an additional 180 days.

Discussion. Upon review of the facts and circumstances presented, we find that WDGT’s request for further extension of license and silent authority pursuant to section 312(g) for a period of 180 days from the date of this letter satisfies the requirements of section 312(g) as described in the *Incentive Auction R&O*, the *Post-Incentive Auction Procedures PN*, and the *Special Displacement Window PN*, and is in the public interest. Consistent with the public interest, we will provide Section 312(g) relief, including reinstatement of a station’s license, to displaced LPTV and TV translator stations that are forced off the air by circumstances beyond their control.⁷ WDGT was initially forced off the air by an equipment failure and then subsequently displaced by the incentive auction and repacking process and took steps to build its displacement facilities in a timely manner. Therefore, due to circumstances outside its control, WDGT has been unable to return to the air prior to the one-year anniversary of going silent. CHN pledges to resume operations on the Station’s new channel as soon as it is able to complete construction of its displacement channel facilities. Grant of relief will allow WDGT to return to the air and once again serve its viewers.

⁴ See *Incentive Auction Task Force and Media Bureau Announce Post Incentive Auction Special Displacement Window April 10, 2018, Through May 15, 2018, and Make Location and Channel Data Available*, Public Notice, 33 FCC Rcd 1234, 1237, para. 7 (IATF/MB 2018) (*Special Displacement Window PN*).

⁵ *Id.* at n.25 citing 47 U.S.C. § 312(g); *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction Transition*, Public Notice, 32 FCC Rcd 3860, 3865-66, para. 12 (IATF/MB 2017).

⁶ See LMS File No. 0000052104.

⁷ See *V.I. Stereo Communications Corp.*, 21 FCC Rcd. 14259 (2006) (granting a request to reinstate a station’s license when the station’s tower had been destroyed by a hurricane and after it was rebuilt, again sustained substantial damage from three more hurricanes); *Community Bible Church, Letter*, 23 FCC Rcd 15012, 15014 (MB 2008) (reinstatement warranted where licensee took all steps needed to return to air, but remained off air to promote air safety after discovering and reporting that FCC and FAA records contained incorrect tower information); *Mark Chapman, Court-Appointed Agent, Letter*, 22 FCC Rcd 6578 (MB 2007) (reinstatement warranted where extended silence resulted from licensee’s compliance with a court order).

Accordingly, we find that in order to promote fairness and equity the request filed by Cayo Hueso Networks, LLC **IS HEREBY GRANTED**, the applicable Commission rules **ARE WAIVED**,⁸ and the license for WDGTV-LD, Miami, Florida **IS REINSTATED AND EXTENDED** for 180 days from the date of this letter.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

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

⁸ 47 CFR §§ 74.15(f) and 74.763(c).