



Federal Communications Commission
Washington, D.C. 20554

September 30, 2020

B&C Communications, LLC
William Smith, Manager
155 Middle Plantation Lane
Gulf Breeze, FL 32561
Billsmedia@gmail.com
(via electronic mail)

Re: Request for Waiver of Consumer
Education Requirements
WPAN(TV), Fort Walton Beach, FL
Facility ID No. 31570
LMS File No. 0000121945

Dear Licensees,

On September 21, 2020, B&C Communications, LLC (B&C), licensee of WPAN(TV), Fort Walton Beach, Florida (WPAN or Station) filed the above captioned request for waiver of the Commission's post-incentive auction consumer education requirements.¹ For the reasons below, we grant B&C's 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 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 Station was assigned to transition Phase 7, which had a phase completion date of January 17, 2020. The Station permanently ceased operation on its pre-auction channel (Channel 40) on October 19, 2019, due to an ongoing legal dispute with the owner of the tower at WPAN's previously licensed pre-

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.*

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).

auction facility site. WPAN is currently silent and plans to recommence operation on its post-auction channel (Channel 21) by October 19, 2020. The Licensee did not commence its consumer education requirements, as required by section 73.3700(c)(3),⁶ thirty (30) days prior to ceasing operation on its pre-auction channel because at the time the Station went silent, B&C was not certain that the Station would remain silent and never again operate on its pre-auction channel. In order to ensure viewers are fully informed that the Station has permanently ceased operation on its pre-auction channel and plans to recommence operation on its post-auction channel, the Licensee commits to undertaking consumer education and outreach efforts by publishing a notification to its viewers in the *NorthWest Florida Daily News*, a daily newspaper with the greatest circulation (circulation of approximately 37,250 subscribers) published in Fort Walton Beach (the Station's community of license), at least once per week over the four week period from Monday, September 28, 2020 through Sunday, October 25, 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 commits to taking alternative consumer education efforts. We find the proposed consumer education and outreach efforts will be sufficient to ensure viewers are fully informed of the Stations' transition.

Accordingly, we **GRANT** B&C Communications, LLC's, request for waiver of the Commission's post-incentive auction consumer education requirements, 47 CFR § 73.3700(c)(3), for station WPAN(TV), Fort Walton Beach, Florida, subject to all the commitments made in the Station's waiver request and compliance with all other Commission rules applicable to transitioning stations.⁷

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Cc (via electronic mail):
Jeff Timmons, Esq.

⁶ 47 CFR § 73.3700(c)(3).

⁷ See generally 47 CFR § 73.3700 and *Transition Reminder Public Notice*, 33 FCC Rcd 8240.