



Federal Communications Commission  
Washington, D.C. 20554

October 20, 2020

Ventana Television, Inc.  
John Collinson  
One HSN Drive  
St. Petersburg, FL 33729  
[john.collinson@hsn.net](mailto:john.collinson@hsn.net)  
(via electronic mail)

Re: Request for Reinstatement and  
Extension of License and Silent  
Authority Under Section 312(g)  
W46EU-D, Raleigh, NC  
LMS File No. 0000107358  
Facility ID No. 61209

Dear Licensee:

This concerns the above-referenced request to reinstate and extend the license and silent authority (Request) filed by Ventana Television, Inc., licensee of low power television station W46EU-D, Raleigh, North Carolina (W46EU or Station). For reasons set forth below, we grant the Request, waive all applicable rules, reinstate 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."<sup>1</sup> 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."<sup>2</sup> 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."<sup>3</sup> 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

---

<sup>1</sup> 47 U.S.C. § 312(g).

<sup>2</sup> *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*).

<sup>3</sup> *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)).

(channels 2-36) that full power and Class A stations would be relinquishing as a result of the incentive auction and repacking process.<sup>4</sup> 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.”<sup>5</sup>

*Request.* As part of the incentive auction and repacking process, W46EU’s channel 46 was reallocated for use by wireless operator T-Mobile USA (T-Mobile). W46EU subsequently went silent on September 7, 2019, as a result of notification by T-Mobile that it intended to commence operations on its 600 MHz spectrum that included W46EU’s channel 46.<sup>6</sup> Ventana timely filed a displacement application requesting a construction permit for channel 33 and that application was granted on January 19, 2019.<sup>7</sup> Since that time, Ventana states that it has completed construction of its displacement facilities and is ready to resume operations and soon as the Station’s license is reinstated. Therefore, Ventana seeks reinstatement and extension of the Station’s license and silent authority pursuant to section 312(g) to promote equity and fairness.

*Discussion.* Upon review of the facts and circumstances presented, we find that Ventana’s request for reinstatement and 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 to displaced LPTV and TV translator stations that are forced off the air by circumstances beyond their control. W46EU was displaced by the incentive auction and diligently pursued a new displacement channel. Due to circumstances outside its control, W46EU has been unable to return to the air prior to the one-year anniversary of going silent. The Station’s displacement facilities are now complete and the Station is ready to resume operations.

Accordingly, we find that in order to promote fairness and equity the request filed by Ventana Television, Inc. **IS HEREBY GRANTED**, the applicable Commission rules **ARE WAIVED**,<sup>8</sup> and the license and silent authority for W46EU-D, Raleigh, North Carolina **IS REINSTATED AND EXTENDED** for 180 days from the date of this letter.

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

---

<sup>4</sup> 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*)

<sup>5</sup> *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).

<sup>6</sup> See LMS File No. 0000054721 amended by LMS File No. 0000114375.

<sup>7</sup> See LMS File No. 0000054638.

<sup>8</sup> 47 CFR §§ 74.15(f) and 74.763(c)

cc (via electronic mail): Gregg P. Skall, Esq.