

HC2 LPTV Holdings, Inc., the licensee (“Licensee”) of KUVM-LD (Fac. Id. No. 167664) (the “Station”), hereby amends its pending request for an extension of silent Special Temporary Authority (STA) (LMS File No. 0000124872)<sup>1</sup> and respectfully requests that the FCC grant a waiver extending the 47 U.S.C. § 312(g)’s twelve-month off-air period. This would provide sufficient time for the Station’s channel sharing partner, as “Sharer,” to complete their displacement shared facilities. The FCC granted an initial silent STA to the Licensee on April 21, 2020 (LMS File No. 0000112357), due to the circumstances being out of Licensee’s control, which continue as summarized below.

On January 10, 2019, Licensee entered into a Channel Sharing Agreement (the “CSA”) with Lotus TV of Houston, LLC (“Lotus”) to resolve the mutually exclusive applications of KUVM-LD and KHLM-LD (Fac. Id. No. 57189), resulting from each station’s displacement following the broadcast spectrum incentive auction, by sharing channel 10 in Houston. As “Sharer” in the CSA, Lotus is solely responsible for building the new channel 10 site, which is out of Licensee’s control. Lotus has been diligently working to make the new channel 10 site operational by October 19, 2020, the Station’s extended 312(g) deadline. However, the antenna installation and transmission line repairs have been delayed by a series of tropical storms and hurricanes that swept through the gulf region in past months. Lotus recently completed that phase of the station construction and is now working with QComm and HVS, Inc. to install the essential encoding equipment needed for the channel-share with the Station. In light of these developments, Lotus received a granted Silent STA extension based on the circumstances outlined above (LMS File No. 0000125656) on November 6, 2020. Licensee has been told by Lotus that the shared facility should be going on air in the coming week.

The Licensee seeks this modest 312(g) deadline extension until Lotus completes the shared facilities and the Station becomes operational. The Station is unable to resume operations on its pre-auction channel due to displacement by a full power or Class A station as part of the broadcast spectrum incentive auction.

Were it not for delays in Lotus’ building of the shared facilities, the Station would have been operational by its 312(g) deadline. These conditions are beyond the control of the Licensee. Given the irretrievable investments that the Licensee has already made in the shared costs of constructing the shared facilities, and given that the build for this Station is almost complete, the Licensee respectfully submits that the Media Bureau is justified in granting this brief extension. Section 312(g) provides that “If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then...the Commission may extend or reinstate such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness.”<sup>2</sup> Thus, the Media Bureau has the authority to extend the Station’s license “for any...reason to promote equity and fairness” and, the facts and circumstances faced by the Station justify the Media Bureau to use such discretion in this case.

Exercise of the Media Bureau’s discretion in this case will also advance the public interest by preserving service to viewers in the Station’s community, ensuring that this community enjoys a diversity of free, over-the-air viewing options.

For these reasons and those described above, granting this request is in the public interest.

---

<sup>1</sup> The FCC has a history of granting such requests, particularly where, as here, the request is supported by good cause and granting it would further the public interest. *See, e.g.*, Application 0000034182, KZSD-LP, Facility ID 57054 (granting an LPTV station an STA extension on October 26, 2017, to allow the station to address “the fact that the Station’s existing STA frequency will no longer be available in the reduced post-auction broadcast spectrum”); Application 0000030510, KDUG-LD, Facility ID 128855 (granting an LPTV station an STA extension on October 2, 2017, to accommodate its filing of a minor change application); Application 0000033847, KLFA-LD, Facility ID 13999 (granting an LPTV station an STA extension on October 17, 2017, to accommodate the station’s concern “over whether [it] will be able to have a broadcast channel to operate on following repacking”).

<sup>2</sup> 47 U.S.C. § 312(g).