

## REQUEST FOR ENGINEERING SPECIAL TEMPORARY AUTHORITY (STA)

Ventana Television, Inc. (“Ventana”), licensee of W41DO-D (Facility ID No. 60554), requests special temporary authority to operate as a sharee on Channel 2 with HC2 LPTV Holdings, Inc. (“HC2”), licensee of WKOB-LD (Facility ID No. 51441), pursuant to Ventana’s channel sharing agreement with HC2.<sup>1</sup> Grant of this STA will permit Ventana to continue broadcast operations to the public while the mutual exclusivity involving Channel 33 (described below) is resolved through negotiations or competitive bidding.

As a result of the Commission’s broadcast incentive auction, which displaced W41DO-D, Ventana applied to operate W41DO-D on Channel 33 on November 13, 2018.<sup>2</sup> Nearly two months later, Venture Technologies Group LLC (“Venture”) filed a mutually exclusive application to also operate on Channel 33.<sup>3</sup> Negotiations between Ventana and Venture have not resolved the mutual exclusivity.<sup>4</sup>

Due to the mutual exclusivity, on August 29, 2019, Ventana applied for a temporary channel share on Channel 2 with HC2.<sup>5</sup> As part of its application, Ventana requested waiver of Section 74.799 of the Commission’s rules “to the extent that the rules would require [Ventana] to relinquish its license in exchange for approval to share a channel with another LPTV licensee.”<sup>6</sup> On September 4, 2019, the FCC granted Ventana’s application and waiver request.<sup>7</sup> On February 20, 2020, and pursuant to the grant of waiver, Ventana notified the Commission it had resumed broadcast operations for W41DO-D via its channel share arrangement.<sup>8</sup>

Despite Ventana’s temporary channel share arrangement with HC2 (and consistent with its granted waiver request), Ventana continues to seek authority to conduct operations on Channel 33.

On June 10, 2020, Ventana sought and subsequently received STA to operate as a sharee at the WKOB-LD facility.<sup>9</sup> The unique external conditions requiring STA operations have not changed since the time of Ventana’s initial STA. Grant of the current engineering STA will allow Ventana to continue to offer free, over-the-air broadcast television service to the public.

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<sup>1</sup> See Channel Sharing and Facilities Agreement, Modification of a Licensed Facility for LPTV Station Application, LMS File No. 0000080714 (granted Sept. 4, 2019).

<sup>2</sup> See Displacement for LPTV Station Application, LMS File No. 0000048498 (filed Nov. 13, 2018).

<sup>3</sup> See Displacement for LPTV Station Application, LMS File No. 0000054805 (filed Jan. 10, 2019)

<sup>4</sup> See *Media Bureau Announces Settlement Opportunity for Mutually Exclusive Low Power Television and TV Translator Applications*, Public Notice, DA 20-576, at 4 (rel. June 1, 2020) (listing Ventana’s and Venture’s displacement applications).

<sup>5</sup> See Modification of a Licensed Facility for LPTV Station Application, LMS File No. 0000080714 (granted Sept. 4, 2019).

<sup>6</sup> See W41DO-D Waiver Statement, Modification of a Licensed Facility for LPTV Station Application, LMS File No. 0000080714 (granted Sept. 4, 2019); see also 47 C.F.R. § 74.799.

<sup>7</sup> See Modification of a Licensed Facility for LPTV Station Application, LMS File No. 0000080714 (granted Sept. 4, 2019).

<sup>8</sup> See Notice of Resumption of Operations, Call Sign W41DO-D (Facility ID No. 60554).

<sup>9</sup> See LPTV Engineering STA Application, LMS File No. 0000115994 (filed June 10, 2020).