



Federal Communications Commission
Washington, D.C. 20554

August 18, 2021

Word of God Fellowship, Inc.
Arnold Torres
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(via electronic mail)

Re: Request for Reinstatement of
License Under Section 312(g)
WRID-LD, Richmond, VA
LMS File No. 0000156716
Facility ID No. 65116

Dear Licensee:

This concerns the above-referenced request to reinstate and extend license (Request) filed by Word of God Fellowship, Inc. (WOGF), licensee of low power television station WRID-LD, Richmond, Virginia (WRID-LD or Station). For reasons set forth below, we grant the request, waive all applicable rules, and reinstate the Station's license.¹

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.”² 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.”³ Further, in the *Post-Incentive Auction Procedures PN* the Media Bureau

¹ To the extent necessary we also extend the Station's license and grant the silent STA.

² 47 U.S.C. § 312(g).

³ *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6806-07, para. 585 (2014) (*Incentive Auction R&O*). The Bureau's discretion under that provision of section 312(g) is severely limited. See e.g., *A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 617, para. 27 (“This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited”). The Commission has exercised its authority to reinstate an expired license to “promote equity and fairness” only where the station failed to provide service for 12 consecutive months due to compelling reasons beyond the licensee's control. See, e.g., *V.I. Stereo Communications Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 14259 (2006); *Community Bible Church*, Letter, 23 FCC Rcd 15012, 15014 (MB 2008); *Mark Chapman, Court-Appointed Agent*, Letter, 22 FCC Rcd 6578 (MB 2007). The Commission has declined to reinstate licenses where the failure to transmit a broadcast signal was due to the licensee's own actions, finances, and/or business judgment. See, e.g., *A-O Broadcasting*, 23 FCC Rcd at 617, para. 27; *ETC Communications, Inc.*, Letter, 25 FCC Rcd 10686 (MB 2010); *Kirby Young, Letter*, 23 FCC Rcd 35 (MB 2008).

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.”⁴ 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 auction and repacking process.⁵ 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.”⁶

Request. As part of the Incentive Auction and repacking process, WRID-LD’s channel 48 was reallocated for use by wireless operator T-Mobile USA (T-Mobile). After receiving a notice from T-Mobile of intent to begin operating, WRID-LD went silent on January 10, 2019.⁷ After resuming operations pursuant to an agreement with T-Mobile, WRID-LD had to go silent again on December 30, 2019.⁸ WRID-LD was granted a displacement application for channel 36 on June 17, 2019.⁹

Since the grant of its displacement application for channel 36, WOGF states that it worked diligently to complete construction of the facilities and resume operations, but experienced delays obtaining the required permits from the local county. WOGF states that, in designing the WRID-LD antenna, a contractor reduced the antenna from the Station’s current 12-bay antenna to a 10-bay antenna to fit within the vertical space on the Station’s existing tower and to minimize any structural issues. The contractor was able to provide its antenna proposal to WOGF in November 2020, and WOGF expected to have the displacement facilities constructed by the end of 2020. However, WOGF explains that its local engineer learned that the local county was requiring WOGF to obtain a new permit even though it was operating from the same facility with a smaller antenna. Further complicating matters, WOGF states that the local county was only accepting correspondence by mail due to the COVID-19 pandemic. WOGF attempted to navigate the local permitting process for several months without success and ultimately hired the owner of its tower to manage the local permitting process. After the local county clarified its requirements, the tower owner submitted the permit applications in early May 2021. Once the permit was issued, WOGF reports that it promptly completed construction of its new facilities and WRID-LD

⁴ *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)).

⁵ 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*).

⁶ *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).

⁷ See LMS File No. 0000067612.

⁸ See LMS File No. 0000096229.

⁹ See LMS File No. 0000054443.

resumed operations and filed a license to cover on July 14, 2021.¹⁰ Construction was still completed within the Station's construction permit period.

WOGF argues that the Commission should grant its Request because WRID-LD's silence was attributable to local permitting delays beyond its control and a grant of the requested relief will promote equity and fairness. WOGF argues that, WRID-LD was unable to operate its displacement facility until the local county issued the necessary permits and the tower owner completed the necessary construction at the tower site. WOGF notes that the Station has now resumed operations and is once again serving its viewers.

Discussion. Upon review of the facts and circumstances presented, we find that WOGF's request for reinstatement of WRID-LD's license 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, which we have previously found to include displacement as a result of incentive auction and repack.¹¹ WRID-LD was displaced by the incentive auction and diligently pursued a new digital displacement channel, resuming operations on its new channel on July 14, 2021. Therefore, due to circumstances outside its control, notably local permitting delays, WRID-LD was unable to return to the air prior to the one-year anniversary of going silent. However, the Station has recently resumed permanent operations on its displacement channel.

We remind WOGF that, pursuant to the Reimbursement Expansion Act, the some Stations may be eligible for reimbursement from the TV Broadcast Relocation Fund (Fund) of costs reasonably incurred as a result of the reorganization of broadcast television spectrum.¹² Please note, however, that additional expenses incurred, such as those resulting from changes in a Stations' plans to construct their displacement facilities that are unrelated to the displacement, may not be eligible for reimbursement from the Fund.

¹⁰ See LMS File No. 0000152708.

¹¹ 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 Red 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 Red 6578 (MB 2007) (reinstatement warranted where extended silence resulted from licensee's compliance with a court order); see Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau, Federal Communications Commission to Renee Ilhardt, DTV America Corporation and HC2 Broadcasting Holdings, Inc., LMS File Nos. 0000072656, et al., (Mar. 23, 2020) (reinstatement and extension is appropriate where the stations' silence was a result of being displaced by the Incentive Auction and repacking process).

¹² See *Consolidated Appropriations Act, 2018*, Pub.L. 115-141, at Division E, Title V, § 511, 132 Stat. 348 (2018) (codified at 47 U.S.C. § 1452(j)-(n)). See also 47 CFR § 73.3701 (Reimbursement Under the Reimbursement Expansion Act); *LPTV, TV Translator, and FM Broadcast Station Reimbursement; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 34 FCC Rcd 1690 (2019); and *LPTV, TV Translator, and FM Broadcast Station Reimbursement; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Notice of Proposed Rulemaking and Order, 33 FCC Rcd 7855 (2018).

We further remind WOGF that the deadline for submitting final expense documentation for reimbursement for eligible Stations is September 5, 2022.¹³ Thus, we strongly encourage the WOGF to diligently pursue completion of the current deadlines to improve the likelihood that there will be sufficient funds available to reimburse the Stations for their legitimate expenses, and we encourage WOGF to submit eligible invoices as soon as practicable.

Accordingly, we find that in order to promote fairness and equity the request filed Word of God Fellowship, Inc. **IS HEREBY GRANTED**, the applicable Commission rules **ARE WAIVED**,¹⁴ and the license for WRID-LD, Richmond, Virginia **IS REINSTATED**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Ari Meltzer, Esq.

¹³ See *Invoice Filing Deadlines for TV Broadcaster Relocation Fund*, Public Notice, 35 FCC Rcd 11273, 11277, paras. 10-11 (IATF/MB Oct. 7, 2020) (setting three filing deadlines for the submission of all outstanding repack invoices, notably: 1) October 8, 2021 for eligible entities assigned repack transition completion dates in the first half of the 39-month post-auction transition period ; 2) March 22, 2022 for entities assigned completion dates in the second half of the transition period; and 3) September 5, 2022 for all other participants in the reimbursement program).

¹⁴ 47 CFR §§ 74.15(f) and 74.763(c).