**EXPLANATION FOR SILENCE AND REQUEST FOR SECTION 312(g) WAIVER**

The UHF TV Association respectfully requests a silent STA retroactive to October 2, 2018, for its television translator station K38FP-D, Tucumcari, New Mexico, Facility ID #68704. The station was displaced from its out-of-core channel in the course of the television repack. Pursuant to the FCC’s orders and as a part of the repack process, the station was forced to vacate its 600-MHz band channel and go silent on October 2, 2018.

The station was granted a construction permit in File No. 0000053142 to relocate to channel 21. However, the licensee has been unable to complete construction of the modified facilities and return the station to the air during the 12-month period following October 2, 2018, due to circumstances beyond its control. The licensee requests a waiver of the expiration or the reinstatement of its license as provided for in Section 312(g) of the Communications Act. For the reasons well beyond the licensee’s control, as explained below, it has been technically and financially impossible for the station to operate since October 2, 2018.

The licensee is a small nonprofit entity with no regular staff. It is the licensee of five repack-displaced television translator stations that serve an isolated remote community in northeastern New Mexico. The licensee has faced the difficult task of attempting to maintain and rebuild these stations through the Incentive Auction repack in the midst of the COVID-19 pandemic. The pandemic has had a substantial negative impact on the licensee’s ability to raise funds and to receive timely shipments of equipment.

The licensee’s only regular source of revenue is occasional nominal donations from viewers. The station has been off the air since October 2, 2018. When the station is off the air, members of the public are not motivated to support it financially. Even if motivated, the economic downturn associated with the pandemic has had an additional negative impact on the public’s ability to contribute. Consequently, there has been no funding from the local community and it is a financial hardship for the licensee to contend with the build-out of its stations under these conditions. Nonetheless, with the assistance of reimbursement funding from the Television Broadcasters Relocation Fund, the licensee has ordered equipment necessary for this build-out. The equipment has recently been received and the licensee expects to install it and have the station operational before the construction permit expires on September 20, 2021.

The licensee’s stations, including this station, provide service to population residing in remote areas where no other over-the-air broadcast television service is available. Several thousand people reside in these areas uniquely served by the licensee’s stations. The lack of broadcast service in these areas is especially problematic because these stations uniquely provide critical emergency alerts to the population residing there.

The grant of this waiver request would serve the public interest in that the licensee would be able to continue to provide broadcast television service to a significant population group that has very limited or no other over-the-air television broadcast service.