

KVFW-LD, Fort Worth, TX (Facility ID 53433)
New York Spectrum Holding Company, LLC
Request for Extension of Silent STA and Waiver of 47 U.S.C. §312(g)

REQUEST FOR REINSTATEMENT AND FURTHER WAIVER OF 47 U.S.C. §312(G)

(SUPPLEMENT)

New York Spectrum Holding Company, LLC (“NYSHCo”) is the licensee of KVFW-LD, Fort Worth, TX (Facility ID 53433). NYSHCo submit the following additional information in connection with its pending request for reinstatement and extension of its silent STA and 312(g) waiver request.

NYSHCo purchased the Comark / Hitachi transmitter and Alive Telcom antenna in 2020. The equipment procurement process was delayed not only by the raging COVID pandemic, which hindered NYSHCo’s ability to obtain and have equipment delivered (supply), but also by the sudden resignation of NYSHCo’s LPTV manager due to a family issue. NYSHCo management on the West Coast and outside of the country were unable to travel to assist with the process and implementation and encountered significant difficulty in hiring a suitable local replacement, especially given the fact that NYSHCo had 10 stations around the country, many of which were simultaneously trying to implement displacement facilities necessitated by the FCC’s Spectrum Auction.

The equipment has been ready to ship at any time anytime since late 2020, but due to our delayed installation schedule, arising from the impacts of the raging Covid pandemic and the inability to hire a suitable manager to handle the implementation, Alive Telecom has been holding the antenna in storage since late 2020 (and is charging us monthly storage fee), and Comark/ Hitachi has withheld its shipment of transmitter pending our further instruction, since NYSHCo had no one on the ground in Dallas who could take delivery for installation.

NYSHCo attempted to hire Caleb Weiss of ARK Multicasting Inc. (“Ark”) in December 2020 to help install KVFW, ARK is a co-channel operator in Dallas. Initially ARK provided a quote for service, then in mid to late January 2021 Ark retracted their quote indicating that they too were pressed for installation of their own facility to be able to do the work and indicated they would be busy through the summer, hence unable to take our job.

In the absence of an LPTV manager on the ground, NYSHCo’s most difficult task was negotiating with the American Tower Corp (ATC) for a tower lease and site access, a pre-requisite for installation of the displacement facility. In an effort to overcome the problems with American Tower, NYSHCo enlisted the help of its partner Synthesis Cloud Inc., a consortium of LPTV stations around the country seeking to develop ATSC 3.0 for delivery of next generation digital TV and Internet broadcasting. The CEO of Synthesis Cloud Inc., Vern Fotheringham, included KVFW as well as other NYSHCo wholly-owned LPTV stations in Tampa and Atlanta as part of Synthesis’ own portfolio in working to negotiate a master lease agreement with American Tower. Mike Kritzman, VP Broadcasting at ATC, had indicated in an email to Vern Fotheringham

in November 2020 that he was amenable to granting NYSHCo access to the Dallas ATC site (as well as other ATC sites) pending certain clarifications. However, NYSHCo was later told that ATC corporate insisted that a master agreement be fully executed with Synthesis before any of the portfolio LPTVs could access the ATC site. On March 3, 2021, NYSHCo was advised that Synthesis had received the draft Master Service Agreement from ATC. NYSHCo thought at that time that the log jam had been broken. Unfortunately, NYSHCO quickly learned that the Agreement would not materialize anytime soon.

Investigating other options after Ark withdrew its quote, NYSHCO turned in late February 2021 to James York of Comark / Hitachi, the transmitter vendor, to help procure its engineering team for installation. Comark / Hitachi provided NYSHCo with a quote for service that targeted installation on Mar 8, 9, 2021. However, the schedule was delayed due to NYSHCo's inability to access its ATC tower site in Dallas due to unsuccessful negotiations with ATC.

NYSHCo entered an advisory services agreement with Diya TV Inc. the end of 2020 which to assist with NYSHCo's LPTV station installations, maintenance, programming, and market development across the country. By May/June, 2020, failing in all other efforts, NYSHCo pressed Diya TV to seriously ramp up efforts to help with the KFWT installation. We were planning with Diya TV to locate a new site alternative to ATC for KFWT and put up the installation by September with Diya TV's engineering team.

At the same time NYSHCo was making a concerted effort to sell various NYSHCo stations. Earnest and protracted negotiations were made for the possible sale of several of the NYSHCo's stations including (including its stations in Houston, Miami, Tampa and Dallas) to Diya TV Inc. and its sister companies. (Diya TV Inc. closed on the purchased of NYSHCo's San Francisco station KMMC in February 2021 and its interest was genuine. NYSHCo prioritized getting sales in place as it believed a successful sale of the station(s) to one or more experienced and savvy station operators would help to ensure rapid installation of for KFWT and other NYSHCo stations. While agreements to sell Miami, Tampa and Houston, no deal has been reached for Dallas.

With KFWT sale negotiations at a standstill, NYSHCo and Diya TV both are currently re-focusing on the effort to complete the install of KFWT. Under the current plan, NYSHCo and Diya TV are working diligently to identify a new tower site, and obtain FCC consent to modify the CP to such new site, and sign a new lease for the new tower site. Then we will instruct Alive Telecom and Comark / Hitachi to ship the equipment on site for the Diya TV Inc. team mount the installation and bring on air KFWT. This process is expected to finish by end of November or early to mid-December.

In the meantime, NYSHCo is not taking any chances, and is trying hire its own local team (more feasible with the decline of Covid) so that it will have its own capability to install KFWT just in case.

NYSHCo greatly appreciates the extraordinary considerations and additional time the FCC has given it. NYSHCo is doing everything it can to get KVFW and its other stations completely installed and back on the air.

In light of the foregoing, NYSHCo respectfully requests reinstatement of the KVFW CP and a further extension of its silent STA and waiver of 312(g) to allow it to get the displacement build completed and the station returned to the air.