

Renewal of License – TV Translator/LPTV Certifications, Discontinued Operations Narrative

K23OW-D initiated operations in Hot Springs, AR, Facility: 188822, when it filed a License to Cover application, FCC File Number: 0000011156, on 6/13/2016.

In addition to the periods of silence noted in the Adherence to Minimum Operating Schedule Narrative¹, the station went silent on 7/27/2018 and a Silent Special Temporary Authority (“Silent STA”), FCC File Number: 0000058667, was filed on 7/31/2018 and granted on 7/31/2018. The reason for the period of silence was that the station was undertaking efforts to construct its permanent broadcast facility pursuant to the granted Displacement application, FCC File Number: 0000052525. Additionally, DTV America Corporation was operating in a resource-constrained environment due to the 600 MHz Incentive Auction repacking process. Station owners, particularly LPTV station owners which were deemed lower priority, that were seeking to build new broadcast facilities had access to far fewer resources such as tower crews and equipment than they would have had otherwise, a factor that the Commission and the Media Bureau acknowledged.²

The station filed an extension to the Silent STA, FCC File Number: 0000067133, on 1/22/2019 while it continued its efforts to construct its permanent displaced broadcast facility. The Licensee added new team members to facilitate the planning, design and construction of new facilities and diligently prepared site summaries and sketches, whilst completing the engineering design process and evaluating its Internet options for content delivery. The station was in contact with transmitter manufacturers and collecting quotes from vendors to complete construction.

The station duly filed a Section 312(g) waiver request on 7/23/2019, FCC File Number: 0000067133, as amended, which was granted by letter decision on 3/23/2020.³ In the grant, Commission staff noted, “Consistent with the public interest and prior Bureau actions, we will provide section 312(g) relief to displaced LPTV and TV translator stations that were displaced by the Incentive Auction and pursued new displacement channels.”

The station resumed operations when it filed a License to Cover application on 10/30/2019, FCC File Number: 0000087667, which was granted on 11/5/2019. Since that date, the station has been operating pursuant to authorized specifications except as otherwise noted herein.

¹ See attached exhibit included in the License Renewal application.

² See, e.g., *Incentive Auction Closing and Channel Reassignment Public Notice et al.*, Public Notice, 32 FCC Rcd 2786 (MB 2017) (“*Channel Reassignment PN*”); *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6597 ¶ 3 (2014).

³ Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau to Renee Ilhardt, DTV America Corporation (Mar. 23, 2020) (unpublished letter decision). The call sign for K23OW-D previously was K38OS-D.