

## **Renewal of License Amendment – Adherence to Minimum Operating Schedule Narrative**

DTV America Corporation initiated operations on KENH-LD, Hot Springs, AR, Facility: 188823, when it filed a License to Cover application on 12/11/2013, FCC File Number: BLDTL-20131211ARJ. The License to Cover application was granted on 12/17/2013.

The station went silent on 12/16/2015 and filed a Silent Special Temporary Authority (“Silent STA”) request, FCC File Number: 0000007751, on 1/11/2016. The reason for the period of silence was outlined in the Media Bureau’s *DTV America Corporation et al.*, Consent Decree, 32 FCC Rcd 9129 (MB rel. Oct. 31, 2017) (“Consent Decree”). The Silent STA request was granted on 1/11/2016.

The station filed a Silent STA extension request on 6/29/2016, FCC File Number: 0000011462. The reason for the period of silence was outlined in the Consent Decree. The Silent STA extension request was granted on 7/7/2016.

The station resumed operations on 10/29/2016 and filed a Resumption of Operations on 11/1/2016, FCC File Number: 0000016587.

The station went silent on 10/29/2016 and filed a Silent STA request, FCC File Number: 0000016660, on 11/3/2016. The Silent STA request was granted on 11/3/2016. The reason for the period of silence was outlined in the Consent Decree.

The station resumed operations on 1/9/2017 and filed a Resumption of Operations, FCC File Number: 0000020485, on 1/9/2017.

The station went silent on 1/9/2017 and filed a Silent STA request, FCC File Number: 0000021265, on 1/13/2017. The reason for the period of silence was outlined in the Consent Decree. The Silent STA request was granted on 1/13/2017.

The station filed a Silent STA extension request on 7/5/2017, FCC File Number: 0000025673, while the process of constructing facilities, which specified operations from a new transmitter location, was ongoing. The extension request remains pending.

The station resumed operations on 10/8/2017 and filed a Resumption of Operations, FCC File Number: 0000032143, on 10/10/2017.

The station went silent on 10/8/2017 and filed a Silent STA request, FCC File Number: 0000033812, on 10/17/2017. The reason for the period of silence was outlined in the Consent Decree. The Silent STA was granted on 10/17/2017.

HC2 Broadcasting acquired majority control of the license for KENH-LD, pursuant to a transfer of control application as part of the Consent Decree. The acquisition was consummated on 11/9/2017.

The Transferor was DTV America Corporation. The Lead File Number was: BTCDTL-20170714ABI and the Member File Number was: BTCDTL-20170714ACC.

The station filed a Silent STA extension request on 3/30/2018, FCC File Number: 0000049173, which remains pending. The reason for the period of silence was due to the transfer of control of DTV America to HC2 Broadcasting Inc. (“HC2”), and the subsequent complications of transitioning to new leadership. The transaction was consummated on November 9, 2017 and involved more than 400 LPTV stations.<sup>1</sup> HC2 was in the process of surveying its resources and developing construction and operational plans. Additionally, HC2, as the new majority owner of DTV America, 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.<sup>2</sup>

HC2 requested an extension of the Silent STA to avoid the inefficiency and waste associated with building a second, duplicative broadcast facility that could only be used for a short period of time given the displaced status of the station. Specifically, the station was displaced as part of the repacking process and would have needed to build a separate facility to operate on a new channel.<sup>3</sup> Thus, if required to resume transmission prior to the STA’s expiration date, DTV America would have been forced to build a first facility to operate on the station’s current channel and then, soon after, a second facility to operate on the station’s new channel.

The station resumed operations on 9/20/2018 and filed a Resumption of Operations, FCC File Number: 0000059820, on 9/24/2018.

The station went silent on 9/20/2018 and filed a Silent STA request, FCC File Number: 0000059835, on 9/22/2018, which was granted on 9/22/2018. The specific reason for the silence was that the station was diligently building its new displacement facility as outlined in the granted Displacement Construction Permit, FCC File Number: 0000052696.

The station filed a Silent STA extension request on 3/19/2019, FCC File Number: 0000068576, as it worked towards continuing to build the permanent facility. The extension request remains pending.

The station resumed operations when it filed a License to Cover application, FCC File Number: 0000080593, on 8/26/2019, which was granted on 9/10/2019. Since that date, the station has been operating pursuant to its authorized specifications.

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<sup>1</sup> The Consent Decree noted that “HC2 Broadcasting is unaffiliated with the Licensees, though HC2 Broadcasting’s parent company holds a passive, non-controlling interest in DTV America Corporation through an affiliated entity.”

<sup>2</sup> 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).

<sup>3</sup> See, e.g., *Channel Reassignment PN*.