

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

DTV America Corporation initiated operations on WUDZ-LD, Indianapolis, IN, Facility: 184277, when it filed a Notice of Consummation to Assignment of License application, FCC File Number: BAPDTL-20150130ABH, on 7/16/2015. On the date of consummation, the station was operating pursuant to a License to Cover application filed on 4/27/2015, FCC File Number: 0000001371, which was granted on 6/10/2015.

The station went silent on or about 12/10/2015 and filed a Silent Special Temporary Authority (“Silent STA”) request on 12/10/2015, FCC File Number: 0000007277. The Silent STA request was granted on 12/10/2015. 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 station resumed operations when it filed a License to Cover application, FCC File Number: 0000010840, on 5/17/2016. The License to Cover was granted on 6/3/2016.

HC2 Broadcasting acquired majority control of the license for WUDZ-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-20170714AIJ.

The station filed a Displacement application, FCC File Number: 0000051644 on 4/10/2018, which was amended on 11/13/2018 and granted on 3/26/2019. The station was eligible to participate in the Special Displacement Window and thus filed the Displacement application.<sup>1</sup>

The station went silent on 10/18/2019 and filed a Silent STA request on 10/18/2019, FCC File Number: 0000086886. The Silent STA was granted on 10/18/2019. 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>2</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

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<sup>1</sup> 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 (IATF & MB Feb. 9, 2018) (“Special Displacement Window Public Notice”).

<sup>2</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.”

equipment than they would have had otherwise, a factor that the Commission and the Media Bureau acknowledged.<sup>3</sup>

The station filed a new displacement application, FCC File Number: 0000087647, on 10/30/2019, which was granted on 11/5/2019.

The station resumed operations on 3/13/2020 when it filed a License to Cover, FCC File Number: 0000107874. The License to Cover was granted on 5/6/2020 and covered the new displacement application. Since that date, the station has been operating pursuant to its authorized specifications.

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<sup>3</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).