



Federal Communications Commission  
Washington, D.C. 20554

March 23, 2022

Prime Time Christian Broadcasting, Inc  
Trey Nesselrodt  
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[trey@nesselrodt.com](mailto:trey@nesselrodt.com)  
(via electronic mail)

Re: Request for Reinstatement and  
Extension of License and Silent  
Authority Under Section 312(g)  
KPCB-DT, Snyder, TX  
Facility ID No. 77452  
LMS File No. 0000164587

Dear Licensee:

Prime Time Christian Broadcasting, Inc. (PTCB), the licensee of KPCB-DT, Snyder, Texas (KPCB-DT or Station), filed the above-referenced request to reinstate and extend the Station's license and silent authority (Request), as amended. For reasons set forth below, we grant the Request, waive all applicable rules, and reinstate and extend the Station's license and silent authority to June 1, 2022.

*Background.* Section 312(g) of the Communications Act of 1934 (Act) provides that “[i]f a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license . . . for any reason to promote equity and fairness.”<sup>1</sup> The Commission has exercised its discretion under section 312(g) to extend or reinstate a station's expired license “to promote equity and fairness” only in limited circumstances where a station's failure to transmit a broadcast signals for 12 consecutive months is due to compelling circumstances that were beyond the licensee's control.<sup>2</sup> For example, the Commission has granted section 312(g) relief to stations whose facilities were destroyed by natural disasters such as hurricanes,<sup>3</sup> where silence was

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<sup>1</sup> 47 U.S.C. § 312(g); 47 CFR §§ 73.1635(a)(4), 73.1740(c), 73.1750.

<sup>2</sup> See *A-O Broadcasting Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 617, para. 27 (2008) (*A-O Broadcasting*) (“This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited”).

<sup>3</sup> *V.I. Stereo Communications*, Memorandum Opinion and Order, 21 FCC Rcd 14259, 14262 (2006) (*V.I. Stereo*) (reinstating license where silence due to destruction of towers in hurricanes); *Media Bureau Provides Guidance For Broadcast Licensees Still Rebuilding in the Aftermath of Hurricanes Irma and Maria*, Public Notice, 33 FCC Rcd 8368, 8368-69 (MB 2018) (*PR and USVI Hurricane Guidance*) (granting relief and extending the license of stations damaged or destroyed by Hurricanes Irma and Maria).

necessary in furtherance of public safety,<sup>4</sup> where a court ordered reinstatement of the station's license,<sup>5</sup> where stations were actually displaced by the Incentive Auction and repacking process,<sup>6</sup> or where a station's silence was the result of governmental closure.<sup>7</sup> The Commission also said it would consider cases where stations were forced to remain dark for more than 12 months by the repack process.<sup>8</sup> The Commission has declined to exercise its section 312(g) discretion when a station's silence is the result of a licensee's own action or inaction, finances, and/or business judgment.<sup>9</sup>

*Request.* KPCB-DT is a full power television operating on channel 17 and is part of PTCB's network of four full power "satellite" stations that previously operated via a satellite feed from PTCB's "hub" station KMLM-DT, Odessa Texas. In late December 2019, PTCB made the determination, as a non-profit broadcasting company, that continuing to deliver the programming to its network of stations via satellite feeds was prohibitively expensive. PTCB began exploring other options to deliver the programming and as a result, on December 29, 2019, its four satellite stations, including KPCB-DT, went silent.<sup>10</sup>

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<sup>4</sup> *Community Bible Church*, Letter Order, 23 FCC Rcd 15012, 15014 (MB Oct. 17, 2008) (reinstatement warranted where licensee took all steps needed to return to air, but remained off air to promote air safety after discovering and reporting that FCC and FAA records contained incorrect tower information).

<sup>5</sup> *Mark Chapman, Court-Appointed Agent*, Letter Order, 22 FCC Rcd 6578, 6580 (MB Mar. 30, 2007) (reinstating license where silence necessitated by licensee's compliance with court order).

<sup>6</sup> *See, e.g., Request of America-CV Station Group, Inc. for Reinstatement of License*, LMS File No. 0000113086 (granted Aug. 13, 2020). *See also, Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, MB Docket No. 16-306, GN Docket No. 12-268, Public Notice, 32 FCC Rcd 858, 873-74, para. 49 (IATF/MB 2017) (stating that displaced LPTV stations that remain silent for more than one year may request an extension or reinstatement of license where the station can demonstrate that its silence is the result of compelling reasons beyond the station's control including facts that relate to the post-auction transition process).

<sup>7</sup> *See, Universal Broadcasting of New York, Inc.*, DA 19-1146, Memorandum Opinion and Order, 34 FCC Rcd 10319 (MB 2019) (station unable to file STA to resume service due to a federal government shutdown), *aff'd Universal Broadcasting of New York, Inc.*, Letter Order, DA 20-753 (MB July 17, 2020).

<sup>8</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6807, para. 585 (2014).

<sup>9</sup> *See, e.g., New Visalia Broadcasting, Inc.*, FCC 14-112, Memorandum Opinion and Order, 29 FCC Rcd 9744 (2014) (record did not show that health problems prevented the principals from resuming operations); *A-O Broadcasting*, FCC 08-10, Memorandum Report and Order, 23 FCC Rcd 603 (2008) (transmission from unauthorized location not sufficient to avoid the consequences of section 312(g)); *Eagle Broadcasting Group, Ltd.*, Memorandum Opinion and Order, 23 FCC Rcd 588, 592, 589-90 (2008) (operation from unauthorized site insufficient to avoid the consequences of section 312(g)); *Mt. Rushmore Broadcasting, Inc.*, Letter Order, 32 FCC Rcd 3924, 3927 (MB May 12, 2017) (discretion unwarranted when station was either silent or engaging in brief periods of unauthorized operation for six years); *Zacarias Serrato*, Letter Order, 20 FCC Rcd 17232 (MB Nov. 4, 2005) (station taken off the air due to a business decision); *Kingdom of God*, Letter Order, 29 FCC Rcd 11589 (MB Sep. 29, 2014) (station's numerous periods of extended silence were a direct result of licensee's own business decisions); *Christian Broadcasting*, Memorandum Opinion and Order, 30 FCC Rcd at 13976 (2015) (licensee provided no evidence that station's silence was beyond its control); *In the Matter of Roy E. Henderson*, Memorandum Opinion and Order, 33 FCC Rcd 3385, 3388 (2018) (finding no basis to reinstate the license where the station failed to operate with authorized facilities for over four years).

<sup>10</sup> *See* LMS File No. 0000100799.

PTCB reports that it was quickly able to resolve the program delivery issue by utilizing fiber optic internet feeds to each of its three other satellite stations. However, PTCB was unable to find a company that could provide sufficient bandwidth to the KPCB-DT transmitter site because of its remote location and lack of service providers in the area. In June 2020, PTCB began working with a local internet service provider for the purpose of getting high speed internet to the Station's remote tower site. However, it was determined that installation of fiber optic cable would be very difficult and include costly drilling through rock and laying of two miles of fiber and obtaining pole permits. Ultimately, PTCB determined that such an approach would not be feasible and instead turned its attention to using wireless internet as a means to deliver the programming to the KPCB-DT transmitter site.

PTCB worked with a local wireless internet provider for the remainder of 2020 to implement this service. In January 2021, after repeated unsuccessful attempts to use wireless internet to deliver programming, PTCB suspended this approach. As well-documented in its Request, for the remainder of 2021, PTCB undertook efforts to find a solution to have its programming delivered to the Station's transmitter site, but continued to encounter obstacles and delays. PTCB explains that the Station's remote transmitter location results in limited options for engaging vendors to attempt to resolve the program delivery issue. PTCB is continuing to work with the wireless internet provider and believes that use of different encoding equipment will resolve the remaining issues and will allow the Station to resume operations. PTCB estimates that it will be able to resume operations shortly after the Commission acts to reinstate and extend the Station's license. PTCB argues that grant of its Request would serve the public interest by preserving the only full power TV station licensed to Snyder, Texas.

*Discussion.* Upon review of the facts and circumstances presented, we find that PTCB's request to reinstate and extend the license and silent authority of KPCB-DT satisfies the requirements of section 312(g), will promote equity and fairness, and is in the public interest. Consistent with the public interest, we will provide section 312(g) relief and extend the license of stations that are forced off the air by compelling circumstances beyond their control. Here, the Station was forced off the air because PTCB was unable to afford to continue to deliver programming to its transmitter site via satellite feed. Efforts to restore service by delivering programming via an internet fiber optic connection have proved difficult given the rural location of the Station's transmitter site. While off the air, the Station has demonstrated it has made good faith efforts to return to air as soon as possible. Therefore, we find that due to compelling circumstances beyond its control, KPCB-DT was unable to return to the air prior to its one-year anniversary of going silent for reasons beyond its control. Grant of its requested relief to reinstate and extend the Station's license and silent authority will allow PTCB to resolve the internet connection issues and once again serve the residents of Snyder, Texas.

Accordingly, we find that in order to promote fairness and equity, the request filed by Prime Time Christian Broadcasting, Inc. **IS HEREBY GRANTED**, the applicable Commission rules **ARE WAIVED**,<sup>11</sup> and the license and silent authority for KPCB-DT, Snyder, Texas **IS REINSTATED AND EXTENDED through June 1, 2022**. We note that another request for extension of the Station's license under the equity and fairness provision of section 312(g) will not be viewed favorably unless accompanied by a showing that resumption of service was prevented by additional compelling circumstances. PTCB must also include with any such request(s) a detailed plan for returning the Station

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<sup>11</sup> 47 CFR §§ 73.1635(a)(4), 73.1740(c), and 73.1750. A waiver is appropriate where the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall policy on an individual basis. *See Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); 47 CFR § 1.3 (waiver for good cause shown).

to operation.

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc (via electronic email): Jerold L. Jacobs, Esq.