



Federal Communications Commission  
Washington, D.C. 20554

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**Sent via Certified Mail and Electronic Mail**

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Re: Requests for Extension of  
License and Silent Authority Under  
Section 312(g)  
KVFW-LD, Fort Worth, TX  
WAGC-LD, Atlanta, GA  
Facility ID Nos. 53433 and 190105  
LMS File Nos. 0000151450,  
0000189943, 0000189944, and  
0000154831

Dear Licensee:

This concerns the requests to reinstate and extend the license and silent authority (License Requests) filed by New York Spectrum Holding Company, LLC (NYSHC), licensee of low power television stations KVFW-LD, Fort Worth, Texas (KVFW-LD) and WAGC-LD, Atlanta, Georgia (WAGC-LD) (collectively Stations).<sup>1</sup> Furthermore, this concerns the request by KVFW-LD for reinstatement and tolling of the Station's forfeited construction permit (Displacement CP Reinstatement Request).<sup>2</sup> For reasons set forth below, we deny NYSHC's License Requests and Displacement CP Reinstatement Request and pursuant to section 312(g) of the Communications Act of 1934, as amended (Act),<sup>3</sup> the Stations' licenses have been automatically cancelled their call signs deleted, and all pending applications are dismissed.

*Background.* Section 312(g) of the 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>4</sup> As discussed in greater detail below, 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

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<sup>1</sup> See LMS File Nos. 0000151450 and 0000154831.

<sup>2</sup> See LMS File Nos. 0000189943 and 0000189943.

<sup>3</sup> 47 U.S.C. § 312(g).

<sup>4</sup> *Id.* See also 47 CFR § 74.15(f).

licensee's control.<sup>5</sup> For example, the Commission has granted section 312(g) relief to stations whose facilities were destroyed by natural disasters such as hurricanes;<sup>6</sup> where silence was necessary in furtherance of public safety,<sup>7</sup> where reinstatement of the station's license was necessitated by court order;<sup>8</sup> where stations were actually displaced by the Incentive Auction and repacking process;<sup>9</sup> or where station silence was the result of governmental closure.<sup>10</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>11</sup>

Requests for additional time to construct LPTV facilities are subject to the Commission's tolling provisions of section 73.3598(b) of the Rules.<sup>12</sup> The Commission's tolling provisions provide that a construction permit deadline may be tolled under specific circumstances such as acts of God, delays due to administrative or judicial review, or construction that is delayed by any cause of action pending before a court of competent jurisdiction relating to any necessary local, state, or federal requirement for the

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<sup>5</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>6</sup> *V.I. Stereo Communications Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 14259, 14262, para. 8 (2006) (reinstating license where silence due to destruction of towers in hurricanes).

<sup>7</sup> *Community Bible Church*, Letter Order, 23 FCC Rcd 15012, 15014 (MB 2008) (*Community Bible*) (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>8</sup> *Mark Chapman, Court-Appointed Agent*, Letter Order, 22 FCC Rcd 6578, 6580 (MB 2007) (*Mark Chapman*) (reinstating license where silence necessitated by licensee's compliance with court order).

<sup>9</sup> See, e.g., *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 873-74, para. 49 (IATF/MB 2017) (displaced LPTV station that remains silent for more than one year may request an extension or reinstatement of license where 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); *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction Transition*, Public Notice, 32 FCC Rcd 3860, 3865-66, para. 12 (IATF/MB 2017) (displaced LPTV station receiving conditional grant of its displacement construction permit that results in station remaining silent for more than one year may request extension or reinstatement of license pursuant to section 312(g)).

<sup>10</sup> *Universal Broadcasting of New York, Inc.*, Letter Order, 34 FCC Rcd 10319 (MB 2019) (station unable to file STA to resume service due to a federal government shutdown).

<sup>11</sup> See, e.g., *New Visalia Broadcasting, Inc.*, 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*, 23 FCC Rcd 603 (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 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 2005) (station taken off the air due to a business decision); *Kingdom of God*, Letter Order, 29 FCC Rcd 11589 (MB 2014) (station's numerous periods of extended silence were a direct result of licensee's own business decisions); *Christian Broadcasting*, 30 FCC Rcd at 13976 (2015) (licensee provided no evidence that station's silence was beyond its control).

<sup>12</sup> See 47 CFR § 73.3598(b).

construction or operation of the station, including any zoning or environmental requirement.<sup>13</sup> If a station does not qualify for tolling under these criteria, good cause may exist to waive the Commission's tolling provisions and tolling may still be warranted where the licensee can demonstrate that "rare and exceptional circumstances" prevented construction by the station's construction permit expiration date.<sup>14</sup>

On March 28, 2022, the Video Division sent NYSHC a letter stating that it was unable to process the Stations' License Requests without additional information.<sup>15</sup> The staff asked that NYSHC provide the following information: (1) since the Stations went silent, a detailed accounting of all steps taken to resume operations, including dates for each action and supporting documentation; (2) since the Stations went silent, a detailed accounting of any and all compelling circumstances outside of its control that prevented the resumption of service, including dates of each circumstance and supporting documentation and a description of how such circumstance(s) directly impacted the resumption of service; and (3) a detailed accounting of what construction remains and a timeline/plan of how and when the Stations expect to complete construction and begin operations. In addition, on March 28, 2022, the Video Division sent NYSHC a courtesy letter informing it that KVFW-LD's displacement construction permit (Displacement CP) had automatically been forfeited.<sup>16</sup> On May 3, 2022, NYSHC responded to the staff's request for additional information.<sup>17</sup> The May 2022 Supplement also included a request for reinstatement and tolling of the forfeited Displacement CP for KVFW-LD.<sup>18</sup>

*KVFW-LD Requests.* KVFW-LD's channel 38 was displaced by the Commission's Incentive Auction and repacking process and was designated a portion of the new wireless "duplex gap."<sup>19</sup> KVFW-

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<sup>13</sup> *Id.*

<sup>14</sup> See 1998 Biennial Regulatory Review -- *Streamlining of Mass Media Applications, Rules, and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17542, para. 42 (1999) (*Streamlining MO&O*) (recognizing that there may be "rare and exceptional circumstances" beyond the control of the licensee that do not fall under the tolling provisions, but "which would warrant the tolling of construction time." The Commission concluded that in such "limited circumstances," it would entertain requests for waiver of its "strict tolling provisions"); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972); 47 CFR § 1.3 (waiver for good cause shown).

<sup>15</sup> See Letter to New York Spectrum Holding Company, LLC from Barbara A. Kreisman, Chief, Video Division (Mar. 28, 2022) available at LMS File No. 0000151450.

<sup>16</sup> See Letter to New York Spectrum Holding Company, LLC from Barbara A. Kreisman, Chief, Video Division (Mar. 28, 2022) available at LMS File No. 0000053902. In the letter NYSHC was notified that its Displacement CP expired and forfeiture of it terminated the station's eligibility for reimbursement. *Id.* at 1-2.

<sup>17</sup> See "KVFW Further 312(g) Waiver and CP reinstatement and tolling Exhibit- Supplement May 2022," filed May 3, 2022 (May 2022 Supplement), a copy of which is available at LMS File No. 00000151450.

<sup>18</sup> In addition to the May 2022 Supplement NYSHC filed a new displacement application for KVFW to move to channel 4. NYSHC stated that the application was being filed "in order to ensure that it has an authorization to implement. However, in the event that that CP is reinstated and tolled, NYSHC requests the dismissal of this application in favor of its existing CP." LMS File No. 0000189944. NYSHC also filed a formal tolling request to reinstate and if granted extend the Station's channel 7 construction permit expiration date. LMS File No. 0000189943. However, as part of its request it fails to provide a new tolled construction permit expiration date or precise timeline for completing construction. As a separate and independent basis for dismissal of its tolling request we find the application is deficient due to the licensee's failure to request a new construction permit expiration date or provide any definitive construction plans.

<sup>19</sup> See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Report and Order*, GN Docket No. 12-268 et al., 29 FCC Rcd 6567, 6841, para. 672 (2014).

LD subsequently filed a displacement application for channel 7.<sup>20</sup> That application was mutually exclusive and placed in MX Group 60 for auction. NYSHC secured a settlement with the other applicants in the group that involved all four stations accepting interference from each other. KVFW-LD's displacement application for channel 7 was subsequently granted on January 15, 2019, and it went silent that same day.<sup>21</sup> KVFW-LD's license was previously reinstated and extended three times pursuant to the equity and fairness provision of section 312(g) and its license most recently expired on June 28, 2021.<sup>22</sup> KVFW-LD's Displacement CP for channel 7 expired on January 15, 2022. As noted above, as a courtesy it was notified by the Video Division of this fact on March 28, 2022.<sup>23</sup> KVFW-LD subsequently filed a request for reinstatement and tolling of its Displacement CP and separate placeholder request for displacement to channel 4, which remains pending.<sup>24</sup>

As detailed in its previous requests for reinstatement and extension of license, following the grant of its displacement application for channel 7 in 2019, NYSHC began working with the other displaced Texas stations on a technical plan to allow all of the stations to operate on channel 7. In its Request, which was initially filed on July 2, 2021,<sup>25</sup> NYSHC stated that the equipment for KVFW-LD's channel 7 displacement facilities had been delivered; however, NYSHC claimed it was having "difficulty scheduling tower crews due to the increased need now that COVID restrictions are lifting."<sup>26</sup> NYSHC stated that its engineer "has been traveling and his schedule has remained uncertain."<sup>27</sup> In addition, NYSHC stated that the landlord for KVFW-LD's tower site "has restricted access until a master lease is negotiated."<sup>28</sup> NYSHC stated further that "[n]egotiations have again reached an impasse" and that it was "actively researching new sites and options for a temporary/interim site that would enable it to put the station back on the air."<sup>29</sup> NYSHC provided no documentation to support any of these statements. In addition, NYSHC acknowledged that it was in the process of selling KVFW-LD and stated that the proposed new owner "stands ready to move quickly to implement the facility."<sup>30</sup>

In an amendment to its Request filed September 29, 2021 (KVFW September 2021 Amendment), NYSHC reported that sale negotiations with Diya TV, Inc. (Diya) were "at a standstill," and it was "re-focusing on the effort to complete the install of KVFW."<sup>31</sup> NYSHC stated that its current plan was to identify a new tower site and that it expected to complete this process "by end of November or early to

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<sup>20</sup> See LMS File No. 0000053902.

<sup>21</sup> See LMS File No. 0000067756.

<sup>22</sup> See LMS File Nos. 0000093923, 0000116531, and 0000129787.

<sup>23</sup> See *supra* note 16.

<sup>24</sup> See *supra* note 18.

<sup>25</sup> LMS File No. 0000151450 (KVFW-LD Request).

<sup>26</sup> KVFW-LD Request at 1.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> KVFW September 2021 Amendment at 2.

mid-December (2021).”<sup>32</sup> In the meantime, NYSHC stated that it was “not taking any chances, and is trying hire its own local team . . . so that it will have its own capability to install KVFW . . . .”<sup>33</sup>

In the May 2022 Supplement, NYSHC reported that in December 2021 it began negotiating with “HC2 Broadcasting” (HC2) to enter into a channel sharing agreements with K07AAD-D, Ft. Worth, Texas, to “facilitate resumption of operation” for KVFW-LD.<sup>34</sup> NYSHC stated that it began negotiating with HC2 in January 2022 and maintains that at some point in February 2022 HC2 informed NYSHC that channel sharing agreements “wouldn’t be feasible.”<sup>35</sup>

NYSHC went on to state that it is currently negotiating with DV Broadcasting, LLC (DV), licensee of KLEG-LD, Fort Worth, Texas, on a channel sharing agreement on KLEG-LD’s channel. NYSHC claims it has “sent over” to DV a proposed channel sharing agreement and that “certain events have been delaying us and we went back and forth”<sup>36</sup> and the channel sharing agreement with DV “should be able to go ahead soon.” NYSHC does not provide any documentation to support any of its claims.

*WAGC-LD Request.* As part of the Incentive Auction repacking process, WAGC-LD’s channel 14 was displaced by WSKC-CA, Atlanta, Georgia that was repacked to channel 14. As a result, WAGC-LD has been silent since September 12, 2019.<sup>37</sup> WAGC-LD timely filed a displacement application for channel 15 and that application was granted on September 14, 2018.<sup>38</sup> WAGC-LD’s license was previously reinstated and extended twice pursuant to the equity and fairness provision of section 312(g) and its license most recently expired on August 4, 2021.<sup>39</sup>

As detailed in its previous requests for reinstatement and extension of license, NYSHC states that it has been unable to complete construction of the WAGC-LD displacement facilities and return the station to the air because of issues finalizing the new lease and access to the WAGC-LD new tower site. In its request for extension of license filed February 5, 2021,<sup>40</sup> NYSHC predicted that it would have these issues resolved and return WAGC-LD to the air “in the next three months” (by May 2021).<sup>41</sup> It was based upon these representations that the WAGC-LD license was extended to August 4, 2021.

In its instant Request, filed July 30, 2021,<sup>42</sup> and supplemented October 7, 2021, NYSHC stated that, “[b]ecause the station was displaced and had to go silent . . . the station has had no income and

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<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> May 2022 Supplement at 1-2.

<sup>35</sup> *Id.* at 2.

<sup>36</sup> *Id.*

<sup>37</sup> See LMS File No. 0000081290.

<sup>38</sup> See LMS File No. 0000054666.

<sup>39</sup> See LMS File Nos. 0000107490 and 0000135293.

<sup>40</sup> LMS File No. 0000135293.

<sup>41</sup> *Id.*

<sup>42</sup> LMS File No. 0000154831 (WAGC-LD Request).

NYSHC has not been able to pay rent at the tower site.”<sup>43</sup> As a result, NYSHC stated that the tower owner has refused to allow NYSHC to access the site to install equipment for the displacement facility. NYSHC represented that its efforts to resolve this dispute with the tower owner have failed and that it was seeking a new tower site for WAGC-LD. NYSHC stated at that time (July 2021) that its efforts to hire an engineer were “delayed due to the pandemic.”<sup>44</sup> NYSHC reported that it had entered into a contract with a company for “advisory services” and for assistance with the installation of the WAGC-LD facilities.<sup>45</sup> NYSHC reported further that its local engineer “has done an exhaustive search of possible alternative sites” and that NYSHC was in the process of “narrowing site options.”<sup>46</sup> Once it locates a site and lease negotiations are completed, NYSHC stated that it will modify the WAGC-LD displacement construction permit to specify the new site. NYSHC predicted that it would be able to complete this process and that WAGC-LD would resume operations “mid to late November (2021).”<sup>47</sup> NYSHC provided no documentation to support any of these statements. NYSHC also mentioned that it was “actively trying to sell the station.”<sup>48</sup>

In the May 2022 Supplement, NYSHC reported that in December 2021 it had also been negotiating a channel sharing agreement with HC2 to have WAGC-LD hosted by HC2 station WUEO-LD, Macon, Georgia. However, NYSHC states that those negotiations did not yield a final channel sharing agreement. NYSHC went on to state that, at the time of filing, it was negotiating with Major Market Broadcasting of North Dakota, Inc. (MMB) to channel share with its station W19DN-D, Atlanta, Georgia. NYSHC reported that it was awaiting a draft channel sharing agreement from MMB; however, MMB has indicated that it will not sign the channel sharing agreement until the closing on the sale of the two NYSHC stations to MMB which have been approved by the Commission.<sup>49</sup> NYSHC stated that it expects the issue preventing closing on these stations to be resolved very soon. As of the date of this decision, the transition has not been consummated. Once again, NYSHC provided no documentation to support any of these claims.

*Discussion.* Upon review of the facts and circumstances presented, we find that NYSHC’s Requests fail to satisfy the requirements of section 312(g). Based on its showings, we find the Stations’ continued silence were a direct result of NYSHC’s voluntary business decisions. We have previously determined that such circumstances do not warrant reinstatement or extension under section 312(g).<sup>50</sup> Although we previously granted NYSHC relief and reinstated and extended the Stations’ licenses on multiple occasions, we find that since grant of its last license extension NYSHC has failed to make

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<sup>43</sup> *Id.* at 1.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 2.

<sup>49</sup> See LMS File No. 0000155033 (WTXI-LD, Miami, FL and WTBT-LD, Tampa, Florida). We note that the assignments were approved on January 13, 2022. On April 8, 2022, the parties sought an extension of time of 90 days to consummate the transaction. See LMS File Nos. 0000189150 and 0000189151. An extension was provided through July 12, 2022.

<sup>50</sup> See e.g., *Zacarias Serrato*, *supra* n. 9 (station taken off the air due to a business decision); *Kingdom of God*, *supra* n. 9 (station’s numerous periods of extended silence were a direct result of licensee’s own business decisions).

progress to return the Stations to operation and failed to demonstrate that compelling circumstances beyond its control prevented it from doing so.

Since the grant of its last requests for relief, NYSHC has made no cognizable progress towards returning the Stations to air. As for the alleged delays with respect to obtaining tower sites for the Stations, NYSHC concedes that it could not return to the Stations' previous tower sites because it had failed to pay the rent for those locations. As a result, NYSHC stated that it turned its attention to finding new tower sites for the Stations but was ultimately unable to convince other tower owners to allow it to house the Stations' displacement facilities. = Deciding for monetary reasons to find new tower locations for the Stations and not to return to their original locations was a voluntary business decision. To the extent that NYSHC was unable to return to the sites because of unpaid rent, its decision to not pay such rent was its alone and not a circumstance outside of its control. We have previously determined that such voluntary business judgements do not warrant reinstatement or extension of a station's license under section 312(g) of the Act.<sup>51</sup>

NYSHC goes on to cite to the fact that it ran into delays as it attempted to sell the Stations to a third party that would assist in the construction process. Similarly, NYSHC cites to delays negotiating channel sharing arrangements with third parties that it was relying upon for the Stations to resume operations. Such private business matters as selling a station or deciding to channel share rather than building the facilities authorized in the Stations' construction permits are clearly private business decisions that do not qualify as compelling circumstances preventing a resumption of service.<sup>52</sup>

As for its undocumented, general claims about its difficulties scheduling tower crews due to "the increased need now that COVID restrictions are lifting," NYSHC is unable to show how any of these factors directly delayed construction of the Stations' displacement facilities for reasons beyond its control. Despite being asked to supplement its Request, NYSHC has provided only generalized claims about COVID-19 and supply chain delays but nothing specific to document the delays it encountered. In order to find that compelling circumstances prevented the Station from resuming operations, NYSHC should have included a showing and included documentation demonstrating the specific steps it had taken to complete construction, resume operation, and how circumstances outside of its control had specifically impacted each of those efforts. For example, NYSHC could have provided evidence that it had attempted to schedule work by tower crews, but that those efforts had been delayed due to circumstances beyond its control. Although offered an opportunity to supplement its Request to provide such support, NYSHC was unable to do so.

*Conclusion.* Given the totality of the circumstances, we find that NYSHC has failed to demonstrate that compelling circumstances warrant a finding of equity and fairness to justify reinstatement and extension of the Stations' licenses pursuant to section 312(g).<sup>53</sup>

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<sup>51</sup> See e.g., Letter to Brenda Barnhart, Executrix (WJOS-LD) from Barbara A. Kreisman, Chief, Video Division (Apr. 29, 2022) (*Barnhart*) available at LMS File No. 0000159722 and 000159551 (change in tower site was a business decision to not remain at a site that licensee no longer owned and would likely have to lease space for station to remain); *Zacarias Serrato*, *supra* n. 9 (station taken off the air due to a business decision); *Kingdom of God*, *supra* n. 9 (station's numerous periods of extended silence were a direct result of licensee's own business decisions).

<sup>52</sup> See *Barnhart*, *supra* n. 43 (finding that desiring to sell the Station is clearly a private business decision that does not qualify as a compelling circumstance preventing a resumption of service).

<sup>53</sup> 47 U.S.C. § 312(g).

Accordingly, the requests to reinstate and extend licenses filed by New York Spectrum Holding Company, LLC, for KVFW-LD, Fort Worth, Texas and WAGC-LD, Atlanta, Georgia **ARE DENIED** and the requests for extension of silent authority **ARE DISMISSED**. Further, the licenses of KVFW-LD, Fort Worth, Texas and WAGC-LD, Atlanta, Georgia **ARE CANCELLED**,<sup>54</sup> their call signs **DELETED**, and all pending applications **ARE DISMISSED**.<sup>55</sup> All authority to operate these facilities **IS TERMINATED** and any operation of these facilities **MUST CEASE IMMEDIATELY**.<sup>56</sup> All other pending applications are also **DISMISSED**.

Furthermore, we note that the Stations previously submitted eligibility information to the TV Broadcaster Relocation Fund.<sup>57</sup> Because the Displacement CPs have been forfeited and the Stations have been canceled, the Stations are no longer eligible for the program.<sup>58</sup>

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>54</sup> CDBS File Nos. BLDTT-20100521AAJ.

<sup>55</sup> LMS File No. 0000189944 (KVFW-LD's application for displacement channel 4); LMS File No. 0000189943 (KVFW-LD's request for tolling waiver); and LMS File No. 0000188363 (KVFW-LD's application for renewal of license). LMS File No. 0000154823 (WAGC-LD's request for tolling waiver) and LMS File No. 0000125563 (WAGC-LD's application for renewal of license).

<sup>56</sup> We remind NYSHC that it must continue to adhere to the requirements in the former stations' authorizations pertaining to lighting of antenna structures. *See* 47 U.S.C. § 303(q); 47 CFR § §17.1 *et seq.*, 73.1213 and 73.1740(a)(4). *See also Streamlining the Commission's Antenna Structure Clearance Procedure*, Report and Order, 11 FCC Rcd 4272, 4293 (1995) (tower owner bears primary responsibility for maintaining tower painting and/or lighting).

<sup>57</sup> *See* LMS File Nos. 0000114781 and 0000088956.

<sup>58</sup> *See LPTV, TV Translator, and FM Broadcast Station Reimbursement; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 34 FCC Rcd 1690, 1704, para. 26 (2019).