

## **Request for Extension of Special Temporary Authority to Remain Silent**

Lowcountry 34 Media, LLC (“Lowcountry”), licensee of low power television (“LPTV”) station KULC-LD, Beaumont-Port Arthur, Texas (Facility ID No. 182050) (“KULC-LD”), hereby requests an extension of KULC-LD’s Special Temporary Authority (“STA”) to Remain Silent (LMS File No. 0000159778) through September 10, 2022.

KULC-LD went silent on September 10, 2021 to conserve financial resources while Lowcountry continued to build out its broadcast network.<sup>1</sup> That same day, Lowcountry filed a Notification of Suspension of Operations and Request for Silent STA (“Silent STA Request”) for KULC-LD.<sup>2</sup>

While KULC-LD’s Silent STA Request was pending, the FCC’s Media Bureau (“Bureau”) undertook an investigation as to whether Lowcountry violated the Commission’s rules by abusing the Commission’s licensing process by filing serial minor modification applications to construct and license temporary facilities with the intent of relocating LPTV and TV translator stations substantial distances from their original authorized sites.<sup>3</sup> The Bureau’s investigation was resolved by Lowcountry and the Bureau entering into a Consent Decree on March 7, 2022.<sup>4</sup> Under the Consent Decree, Lowcountry agreed, *intra alia*, to “promptly commence operations of all licensed and silent stations within one year of going silent,” and to file any necessary silent STA requests timely.<sup>5</sup>

The Bureau granted KULC-LD’s Silent STA Request on March 3, 2022, for a period expiring on September 2, 2022.<sup>6</sup> In its grant letter, the Bureau stated that “[a]ny request for extension of this authority must include detailed reasons and a description of efforts taken to return the station to full power operation.”<sup>7</sup>

Since the grant of KULC-LD’s Silent STA Request, Lowcountry has been diligently working to resume operations with permanent facilities for KULC-LD. On May 13, 2022, Lowcountry filed a minor modification application proposing to relocate KULC-LD to a new transmitter site suitable for permanent station operations.<sup>8</sup> KULC-LD’s licensed site was

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<sup>1</sup> See LMS File No. 0000159778.

<sup>2</sup> See *id.*

<sup>3</sup> See *Lowcountry 34 Media, LLC*, Acct. No. Acct. No. 202241420002, FRN 0027121466, Order & Consent Decree, DA 22-232 (Media Bureau Mar. 7, 2022) (“*Consent Decree*”).

<sup>4</sup> See *id.*

<sup>5</sup> *Id.* ¶ 19.

<sup>6</sup> *Special Temporary Authority, KULC-LD, Beaumont-Port Arthur, TX, LMS File No. 0000159778, Facility ID No. 182050*, Letter (Mar. 3, 2022).

<sup>7</sup> *Id.*

<sup>8</sup> LMS File No. 0000190764.

suitable only for temporary operations – an issue generally addressed in the Consent Decree.<sup>9</sup> On May 27, 2022, KULC-LD’s minor modification application was granted, with an expiration date of September 10, 2022.<sup>10</sup>

Lowcountry now has the equipment necessary to construct KULC-LD, and is actively working to complete construction of the station as soon as possible. Because of these efforts, Lowcountry believes that it can construct the permanent facilities necessary for KULC-LD to resume operations in the next few weeks, and in no case later than the one-year anniversary of the date that the station ceased operations: September 10, 2022. Therefore, grant of this instant request for extension of KULC-LD’s STA to remain silent is in the public interest as it would enable KULC-LD to resume operations within one year of ceasing operations – thereby avoiding automatic forfeiture of KULC-LD’s license and ensuring Lowcountry’s compliance with the Consent Decree’s terms.<sup>11</sup>

Accordingly, Lowcountry respectfully requests an extension of its STA for KULC-LD to remain silent through the one-year anniversary date of the station ceasing operations – i.e., September 10, 2022.

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<sup>9</sup> See LMS File No. 0000158557.

<sup>10</sup> See LMS File No. 0000190764.

<sup>11</sup> See 47 U.S.C. § 312(g); see also *Consent Decree* ¶ 19.