

Renewal of License – Adherence to Minimum Operating Schedule Narrative

DTV America Corporation initiated operations on K35KX-D, Topeka, KS, Facility: 184192, when it filed a License to Cover application, FCC File Number: 0000010828, on 5/16/2016. Accordingly, the certifications contained in this narrative cover the period from 5/16/2016 to the present.

The station went silent on 6/3/2016 and filed a Silent Special Temporary Authority (“STA”) request, FCC File Number: 0000010976, on 6/3/2016. The specific reason for the period of silence was outlined in the Consent Decree.

The Licensee filed a Silent STA Extension, FCC File Number: 0000018434, on 11/29/2016. The specific reason for the extended period of silence was outlined in the Consent Decree.

The station resumed operations on 3/26/2017 and filed a Resumption of Operations, FCC File Number: 0000022695 on 4/4/2017.

The station went silent on 3/26/2017 and filed a Silent STA request, FCC File Number: 0000022867, on 4/4/2017. The specific reason for the period of silence was outlined in the Consent Decree.

The Licensee filed a Silent STA Extension, FCC File Number: 0000030098, on 9/22/2017. The specific reason for the extended period of silence was outlined in the Consent Decree.

HC2 Broadcasting acquired majority control of the license for K35KX-D, Topeka, KS, Facility: 184192, pursuant to a transfer of control application as part of the Media Bureau’s *DTV America Corporation et al.*, Consent Decree, 32 FCC Rcd 9129 (MB rel. Oct. 31, 2017) (“Consent Decree”).

The Transferor was: DTV America Corporation. The Lead File Number was: BTCDTL-20170714ABI and the Member File Number was: BTCDTL-20170714AGO. The acquisition was consummated on 11/9/2017.

The station resumed operations on 3/21/2018 and filed a Resumption of Operations, FCC File Number: 0000049064, on 3/21/2018.

The station went silent on 3/21/2018 and filed a Silent STA request, FCC File Number: 0000049067, on 3/27/2018. The specific 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. 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.¹

The station extended the Silent STA on 9/10/2018, FCC File Number: 0000059524. HC2 requested the Silent STA extension because DTV America was operating in a resource-constrained environment due to the ongoing 600 MHz Incentive Auction repacking process. Station owners seeking to build new broadcast facilities had access to far fewer resources than they would have had otherwise, a factor that the FCC and its bureaus acknowledged could become an issue when designing the repacking process to facilitate the “once-in-lifetime opportunity to expand the benefits of mobile wireless coverage.”²

The station resumed operations on 11/12/2018 and filed a Resumption of Operations, FCC File Number: 0000063517, on 11/13/2018.

The station went silent on 11/12/2018 and filed a Silent STA request, FCC File Number: 0000063547, on 11/13/2018. The specific reason for the silence was the station was diligently building the facility outlined in the granted Minor Modification application, FCC File Number: 0000010975.

The station extended the Silent STA on 5/9/2019, FCC File Number: 0000072536 as it continued to work on building the new facility outlined in the Minor Modification: FCC File Number: 0000010975.

The station duly filed a Section 312(g) waiver request on 11/12/2019, FCC File Number: 0000072536, which was granted on 3/23/2020.³

The station resumed operations when it filed a License to Cover, FCC File Number: 0000121576 on 9/14/2020. Since that date, the station has been operating pursuant to its authorized specifications. The License to Cover was granted on 4/27/2021.

¹ 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).

² 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).

³ See attached Discontinued Operations exhibit included in the License Renewal application.