



Federal Communications Commission
Washington, D.C. 20554

September 20, 2022

Sinclair-California Licensee, LLC
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(via electronic mail)

Re: Request for Reinstatement and
Extension of License and Silent
Authority Under Section 312(g)
KKTF-LD, Chico, California
LMS File No. 0000178827
Facility ID No. 131020

Dear Licensee:

This concerns the above-referenced request to reinstate and extend license and silent authority, as amended (Request), filed by Sinclair-California Licensee, LLC (Sinclair), licensee of low power television (LPTV) station KKTF-LD, Chico, California (KKTF-LD or Station). For reasons set forth below, we grant the request, waive all applicable rules, reinstate and extend the Station's license, and grant it silent authority to November 15, 2022.

Background. Section 312(g) of the Communications Act of 1934 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."¹ In the *Incentive Auction R&O*, the Commission explained that it would be receptive to requests for reinstatement or extension of a station's license under section 312(g), "tak[ing] into account the extent to which a station has been involuntarily forced to remain dark as a result of the repacking process and whether, in light of the facts presented, equity and fairness dictate a license extension or reinstatement and a waiver."² Further, in the *Post-Incentive Auction Procedures PN* the Media Bureau stated that, in considering requests to extend or reinstate a stations license under section 312(g) in order to promote fairness and equity, it "will examine whether the station has demonstrated that its silence is the

¹ 47 U.S.C. § 312(g).

² *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6806-07, para. 585 (2014) (*Incentive Auction R&O*). The Bureau's discretion under that provision of section 312(g) is severely limited. *See e.g. A-O Broad. Corp.*, 23 FCC Rcd 603, 617, para. 27 (limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited). The Commission has exercised its authority to reinstate an expired license to "promote equity and fairness" only where the station failed to provide service for 12 consecutive months due to compelling reasons beyond the licensee's control. *See, e.g., V.I. Stereo Communications Corp.*, 21 FCC Rcd 14259 (2006); *Community Bible Church*, 23 FCC Rcd 15012, 15014 (MB 2008); *Mark Chapman, Court-Appointed Agent*, 22 FCC Rcd 6578 (MB 2007). The Commission has declined to reinstate licenses where the failure to transmit a broadcast signal was due to the licensee's own actions, finances, and/or business judgment. *See, e.g., A-O Broadcasting*, 23 FCC Rcd at 617, para. 27; *ETC Communications, Inc.*, 25 FCC Rcd 10686 (MB 2010); *Kirby Young*, 23 FCC Rcd 35 (MB 2008).

result of compelling reasons beyond the stations' control, including facts that relate to the post-auction transition process."³ Finally, in the *Special Displacement Window PN*, the Bureau permitted stations to file a displacement application on a contingent basis for channels in the repacked television band (channels 2-36) that full power and Class A stations would be relinquishing as a result of the incentive auction and repacking process.⁴ The Bureau stated that, if a conditional grant would require an LPTV or TV translator station to be silent for a consecutive 12-month period prior to discontinuation of operation by the full power or Class A station, the Bureau would "consider a request for extension or reinstatement pursuant to section 312(g) of the Communications Act and a request for waiver of the Commission rule."⁵

Request. KKTF-LD is a digital LPTV station that previously operated on channel 30. The Station's sister full power television station, KCVU(TV), Paradise, California (KCVU), was repacked to channel 17 as part of the Incentive Auction repacking process. KCVU subsequently experienced land mobile interference issues while attempting to initiate operations on channel 17 and was forced to move to channel 30 for its post-auction channel assignment.⁶ KCVU's application for channel 30 was granted on November 6, 2020, and the station began operating on January 5, 2021, displacing KKTF-LD's channel 30 operations. KKTF-LD has been silent ever since.⁷

The Station initially filed a displacement application for channel 17,⁸ however, Commission staff subsequently informed the Station that based on prior operations on channel 17 in the Station's coverage area, KKTF-LD's proposed operation on channel 17 was likely to result in interference to land mobile operations. After receiving this word from the staff, Sinclair states that it found channel 24 as a suitable alternative channel to commence operations to resolve any potential land mobile interference and has filed an amendment to its pending displacement application.

Sinclair maintains that all that is required to begin operations on channel 24 is for the Station to install a mask filter tuned to that channel and conduct a sweep. According to Sinclair, because the Station has made substantial investments in constructing the displacement facilities and it could have been operational today were it not for the land mobile interference concerns raised by Commission staff, the Commission is fully justified in granting its Request and providing the Station with a brief extension of license while it completes construction of the Station's displacement facilities following what it expects will be a grant of its channel 24 displacement application. Sinclair states that it can complete construction

³ *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) (*Post-Incentive Auction Procedures PN*); see also *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, Public Notice, 33 FCC Rcd 8240, 88243, n.25 (MB/IATF 2018) (citing *Christian Broadcasting of East Point, Inc.*, 30 FCC Rcd. 13975, 13976-77, para. 4 (2015)).

⁴ 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, 1237, para. 7 (IATF/MB 2018) (*Special Displacement Window PN*).

⁵ *Id.* at 1237, n.25 citing 47 U.S.C. § 312(g); *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).

⁶ See LMS File No. 0000122335.

⁷ See LMS File No. 0000132299.

⁸ See LMS File No. 0000178259.

of its displacement facilities within approximately 45 days following grant of its pending displacement application.

Discussion. Upon review of the unique facts and circumstances presented, we find that Sinclair's request for reinstatement and extension of license and silent authority pursuant to section 312(g) satisfies the requirements of section 312(g) as described in the *Incentive Auction R&O*, the *Post-Incentive Auction Procedures PN*, and the *Special Displacement Window PN*, and is in the public interest. Consistent with the public interest, we will provide section 312(g) relief to displaced LPTV and TV translator stations that are forced off the air by circumstances beyond their control. KKTF-LD was displaced by the last minute change in repack channels by its sister full power station due to land mobile interference issues. Although Sinclair identified a new channel for the Station, that channel was also predicted by Commission staff as likely to cause land mobile interference. Sinclair has now found a grantable displacement channel and is poised to complete construction of its displacement facilities within approximately 45 days following grant of its pending displacement application. Grant of relief will enable the Station to return to the air and once again serve its viewers.

Accordingly, we find that in order to promote fairness and equity the request filed Sinclair-California Licensee, LLC **IS HEREBY GRANTED**, the applicable Commission rules **ARE WAIVED**,⁹ and the license and silent authority for KKTF-LD, Chico, California, **IS REINSTATED AND EXTENDED to November 15, 2022**. Further, the displacement application for KKTF-LD, Chico, California (LMS File No. 0000178259) **IS GRANTED with an expiration date of November 15, 2022**. We remind Sinclair that another request for extension of the Station's license under the equity and fairness provision of section 312(g) will not be favorably viewed unless accompanied by a showing that completion of the Station's displacement facilities was prevented by additional compelling circumstances. Sinclair must also include with any such request(s) a detailed plan for completing construction and returning the Station to operation.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Paul Cicelski, Esq.

⁹ 47 CFR §§ 74.15(f) and 74.763(c).