

## **Renewal of License – TV Translator/LPTV Certifications, Discontinued Operations Narrative**

HC2 acquired the license for KUVN-LD, Facility ID: 167664, Missouri City, TX pursuant to an assignment application. The acquisition was consummated on 12/26/2017. The Assignor was: Mako Communications, LLC. The Lead File Number was: BALDTL-20170918ACA and the Member File Number was: BALDTL-20170918ACH. Accordingly, the certifications contained in this narrative cover the period from 12/26/2017 to the present.

The station went silent on 4/9/2019 and filed a Silent Special Temporary Authority (“Silent STA”) request, FCC File Number: 0000074466 on 6/3/2019. The specific reason for the period of silence was the station was, “The Licensee’s commonly owned Phase 2 KUVN-CD transitioned from Ch. 34 to Ch. 20 on 4/9/19. The station had a combined antenna with KUVN-LD. Licensee could not combine the two stations due to VHF vs UHF channel engineering requirements. KUVN-LD was under MX for Ch.10 and a recent channel sharing agreement was submitted on 2/13/19 to channel share with KHLN. Due to the Phase 2 repack, both KHLN and KUVN-LD had to go dark. Because of LMS limitations, it should be noted KUVN-LD went silent on 4/9/19. As the sharer, KHLN is responsible for building out the new facility. Equipment has not been ordered as of this date by the Sharer.” The station was diligently building a facility pursuant to the technical specifications outlined in the granted Displacement Construction Permit, FCC File Number: 0000051939. The Silent STA was granted on 6/3/2019. The Silent STA expired on 12/3/2019. The station inadvertently did not extend the Silent STA in a timely fashion.<sup>1</sup>

The station duly filed a Section 312(g) waiver request on 4/17/2020, FCC File Number: 0000112357, which was granted on 4/21/2020. In the Section 312(g) waiver grant, Commission staff noted, “Consistent with the public interest and prior Bureau actions, 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.”

The station filed an extension to the Silent STA request and 312(g) Waiver grant on 10/19/2020, FCC File Number: 0000124872. The specific reason for the extended period of silence was, “On January 10, 2019, Licensee entered into a Channel Sharing Agreement (the “CSA”) with Lotus TV of Houston, LLC (“Lotus”) to resolve the mutually exclusive applications of KUVN-LD and KHLN-LD, resulting from each station’s displacement following the broadcast spectrum incentive auction, by sharing channel 10 in Houston. As “Sharer” in the CSA, Lotus is solely responsible for building the new channel 10 site, which is out of Licensee’s control. Lotus has been diligently working to make the new channel 10 site operational by May 4, the Station’s 312(g) deadline; however, supply-chain constraints resulting from the post-auction repack, and labor scarcities resulting from coronavirus precautions, make it unlikely that the Station will be able to become operational on channel 10 by May 4. Lotus believed that the channel 10 site will be finalized in June. However, we

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<sup>1</sup> See Adherence to Operating Parameters exhibit.

understand that the channel 10 site's air conditioning must still be repaired, and its transmitter installed, which we are told is still approximately two months away." The station amended the Silent STA request on 11/20/2020 with the specific reasons, "As "Sharer" in the CSA, Lotus is solely responsible for building the new channel 10 site, which is out of Licensee's control. Lotus has been diligently working to make the new channel 10 site operational by October 19, 2020, the Station's extended 312(g) deadline. However, the antenna installation and transmission line repairs have been delayed by a series of tropical storms and hurricanes that swept through the gulf region in past months. Lotus recently completed that phase of the station construction and is now working with QComm and HVS, Inc. to install the essential encoding equipment needed for the channel-share with the Station. In light of these developments, Lotus received a granted Silent STA extension based on the circumstances outlined above (LMS File No. 0000125656) on November 6, 2020. Licensee has been told by Lotus that the shared facility should be going on air in the coming week."

The further 312(g) Relief was granted on 12/16/2020. The 312(g) grant stated, "Upon review of the facts and circumstances presented, we find that HC2's request for reinstatement and extension of KUVN's license and silent authority for a period of 180 days to June 14, 2021 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, which we have previously found to include displacement as a result of incentive auction and repack."

The station resumed operations when it filed a License to Cover, FCC File Number: 0000129876 on 12/18/2020. The License to Cover was granted on 2/9/2021. Since that date, the station has been operating pursuant to its authorized specifications.