

## **Renewal of License – Adherence to Minimum Operating Schedule Narrative**

DTV America Corporation (“DTV”) acquired KBIS-LD, Facility ID: 182085, Turlock, CA to an assignment of license application. The Assignor was: Joseph Fiori. The Lead File Number was: BAPDVL-20150618AAZ. The acquisition was consummated on 8/12/2015. Accordingly, the certifications contained in this narrative cover the period from 8/12/2015 to the present.

The station was operational at the time of consummation and went silent 6/29/2016 and filed a Silent Special Temporary Authority (“Silent STA”) request, FCC File Number: 0000011440 on 6/29/2016. The specific reason for the period of silence was outlined in the Media Bureau’s *DTV America Corporation et al.*, Consent Decree, 32 FCC Rcd 9129 (MB rel. Oct. 31, 2017) (“Consent Decree”). The Silent STA was granted on 6/29/2016.

The station extended the Silent STA request, FCC File Number: 0000019222 on 12/20/16. The specific reason for the extended period of silence was outlined in the Consent Decree.

The station resumed operations on 1/15/2017 and filed a Resumption of Operations, FCC File Number: 0000021485 on 1/20/2017.

The station went silent 1/15/2017 and filed a Silent STA request, FCC File Number: 0000021486 on 1/20/2017. The specific reason for the period of silence was outlined in the Consent Decree. The Silent STA was granted on 1/20/2017.

The station extended the Silent STA, FCC File Number: 0000028900 on 7/14/2017. The specific reason for the extended period of silence was outlined in the Consent Decree.

HC2 Broadcasting acquired majority control of the license for KBIS-LD, Facility ID: 182085, Turlock, CA pursuant to a transfer of control application as part of the Consent Decree, 32 FCC Rcd 9129 (MB 2017).

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

The station resumed operations on 1/14/2018 and filed a Resumption of Operations, FCC File Number: 0000040217 on 1/16/2018.

The station went silent 1/14/2018 and filed a Silent STA request, FCC File Number: 0000040433 on 1/18/2018. 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. The transaction was consummated on November 9, 2017 and involved more than 400 LPTV stations.<sup>1</sup> HC2 was in the process of surveying its resources and developing construction and operational plans. Additionally, HC2, as the new majority owner of

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<sup>1</sup> The Consent Decree noted that “HC2 Broadcasting is unaffiliated with the Licensees, though HC2 Broadcasting’s parent company holds a passive, non-controlling interest in DTV America Corporation through an affiliated entity.”

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.<sup>2</sup> The Silent STA was granted on 1/18/2018.

The station extended the Silent STA, FCC File Number: 0000056098 on 7/05/2018. HC2 requested an extension of the Silent STA because the licensee, “DTV America is operating in a resource-constrained environment due to the ongoing 600 MHz Incentive Auction repacking process. Station owners seeking to build new broadcast facilities currently have access to far fewer resources than they would have otherwise, a factor that the FCC and its bureaus acknowledged could become an issue when designing the repacking process to facilitate this ‘once-in-lifetime opportunity to expand the benefits of mobile wireless coverage.’”<sup>3</sup>

The station resumed operations on 11/12/2018 and filed a Resumption of Operations, FCC File Number: 0000063569 on 11/14/2018.

The station went silent 11/12/2018 and filed a Silent STA request, FCC File Number: 0000063585 on 11/14/2018. The specific reason for the period of silence was the station was diligently building the facility outlined in Minor Modification, FCC File Number: 0000011441, which was granted on 7/14/2016. The Silent STA was granted on 11/14/2018.

The station extended the Silent STA, FCC File Number: 0000072543 on 5/9/2019. The specific reason for the extended period of silence was, “The Applicant hereby submits that its intent is to not extend, delay, or otherwise impact the station’s planned return to air date. All efforts are underway to meet required FCC deadlines, and the station fully expects to be on the air prior to the station’s 312(g) deadline of November 12, 2019. The Station has ordered its antenna and scheduled a tower crew.”

The station resumed operations when it filed a License to Cover, FCC File Number: 0000078016 on 7/15/2019. The License to Cover was granted on 8/5/2019. Since that date, the station has been operating pursuant to its authorized specifications.

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<sup>2</sup> 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).

<sup>3</sup> 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).