

Renewal of License – Adherence to Minimum Operating Schedule Narrative

DTV America Corporation (“DTV”) acquired K12XJ-D, Facility ID: 68022, Modesto, CA pursuant to an Assignment of License, FCC File Number: BALTT-20141208ABK. The Assignor was: Regal Media, Inc. The acquisition was consummated on 6/2/2015. Accordingly, the certifications contained in this narrative cover the period from 6/2/2015 to the present.

The station went silent on 7/13/2015 and filed a Silent Special Temporary Authority (“Silent STA”) request, FCC File Number: BLSTA-20150713ABD on 7/13/2015. 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 request was never acted upon, remains pending, and can be dismissed as moot.

The station resumed operations on 6/26/2016 and filed a Resumption of Operations, FCC File Number: 0000011461, on 6/29/2016.

The station went silent on 7/4/2016 and filed a Silent STA request, FCC File Number: 0000011865 on 7/6/2016. The specific reason for the period of silence was outlined in the Consent Decree. The Silent STA was granted on 7/6/2016.

The station extended the Silent STA, FCC File Number: 0000019223 on 12/20/2016. 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: 0000021481, on 1/20/2017.

The station went silent on 1/15/2017 and filed a Silent STA request, FCC File Number: 000021482 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: 0000028899 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 K12XJ-D, Facility ID: 68022, Modesto, 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: BTCTT-20170714AEI. 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: 0000040213, on 1/16/2018.

The station went silent on 1/14/2018 and filed a Silent STA request, FCC File Number: 000040431 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.¹ 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.² The Silent STA was granted on 1/18/2018.

The station resumed operations on 5/28/2018 and filed a Resumption of Operations, FCC File Number: 0000055077, on 6/7/2018.

The station went silent on 5/28/2018 and filed a Silent STA request, FCC File Number: 000055078 on 6/7/2018. The specific reason for the period of silence was the station was in the process of building the facility outlined in the Displacement, FCC File Number: 0000051632, which was originally granted on 5/1/2018, then amended and granted on 9/7/2018.

The station resumed operations on 11/12/2018 and filed a Resumption of Operations, FCC File Number: 0000063565, on 11/14/2018.

The station went silent on 11/12/2018 and filed a Silent STA request, FCC File Number: 0000063584 on 11/14/2018. The specific reason for the period of silence was the station was in the process of building the facility outlined in the Displacement, FCC File Number: 0000051632, which was originally granted on 5/1/2018, then amended and granted on 9/7/2018. The Silent STA was granted on 11/14/2018.

The station extended the Silent STA, FCC File Number: 0000072537 on 5/9/2019. The specific reason for the extended period of silence was the station was building the facility outlined in the Displacement, FCC File Number: 0000051632. While the internet had been installed, there were delays to the build being completed due to the late arrival of the transmitter and filter.

The station duly filed a Section 312(g) waiver request on 11/12/2019, FCC File Number: 0000072537, which was granted on 3/23/2020.³

The station resumed operations when it filed a License to Cover, FCC File Number: 0000114101, on 5/21/2020. The License to Cover was granted on 5/26/2020. Since that date, the station has been operating pursuant to its authorized specifications.

¹ 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.”

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.