

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

HC2 acquired the license for W02CY-D (former call sign W28ES-D), Facility ID: 130477, New York, NY pursuant to an assignment application.

The Assignor was: Venture Technologies Group, LLC. The Lead File Number was: BALDTL-20190214AAB. The acquisition was consummated on 9/11/2019. Accordingly, the certifications contained in this narrative cover the period from 9/11/2019 to the present.

The station went silent on 9/11/2019 and filed a Silent Special Temporary Authority (“Silent STA”) request, FCC File Number: 0000084217 on 10/4/2019.¹ The Silent STA was granted on 10/4/2019. The station inadvertently did not file an extension to the Silent STA in a timely fashion.²

The station duly filed a Silent STA Request and Section 312(g) waiver request, FCC File Number: 0000142463 on 4/1/2021. The specific reasons for the period of silence were, “HC2 acquired the license for W28ES on September 11, 2019. The station went silent on the same day and requested an STA to remain silent. HC2 was aware that Class A TV station WEPT-CD, Newburgh, New York, Facility ID No. 30429 (“WEPT-CD”), licensed to Venture Technologies Group, LLC, which had been operating on Channel 22, had been assigned to channel 28 in the post-incentive auction repack. W28ES thus would cause impermissible interference into WEPT-CD by remaining on channel 28. Accordingly, on July 6, 2020, HC2 filed a displacement application for W28ES proposing to change from channel 28 to channel 2 due to displacement during the repacking process following the incentive auction. That application was granted on August 17, 2020. HC2 has diligently pursued the construction of the displacement facilities for W28ES on channel 2 since obtaining its displacement construction permit in August 2020. Specifically, in anticipation of completing its buildout on channel 2, W28ES intends to operate on a multicast channel of co-owned LPTV station WKOB-LD, channel 2, New York, NY, Facility ID No. 51441 (“WKOB”), located on Trump Tower, while construction of the W28ES permanent channel 2 facilities at Trump Tower are completed. WKOB in turn has a construction permit to move to channel 13 and relocate from the Trump Tower to 1 World Trade Center. When that move is completed (currently estimated to occur in June/July 2021), W28ES will complete the installation of a new directionalized antenna on channel 2 at Trump Tower, replacing WKOB’s current antenna. The timeline for installation of the new channel 2 antenna is late Summer 2021. Through equipment purchases and the negotiation of required tower leases, HC2 has shown diligence throughout this process, and it intends to begin the installation process for both WKOB and W28ES when warmer weather and COVID-19 pandemic conditions permit.” On 4/16/2021, Commission staff issued

¹ See Adherence to Minimum Operating Schedule disclosure.

² See Adherence to Operating Parameters disclosure.

a letter decision granting HC2's request for reinstatement and extension of the station's license and Silent STA, and a waiver of all applicable rules under Section 312(g).³

In the 312(g) Relief grant letter, Commission staff noted, "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. W28ES was displaced by the incentive auction and diligently pursued a new digital displacement channel. Due to circumstances outside its control, W28ES has been unable to return to the air."

The station requested an extension to the Silent STA and 312(g) relief, FCC File Number: 0000159715 on 9/20/2021, as amended on 10/20/2021. The station included an extensive timeline on its diligent efforts to resume operations in a timely manner. On 11/4/2021, Commission staff issued a letter decision granting HC2's request for reinstatement and extension of the station's license and Silent STA, and a waiver of all applicable rules under Section 312(g). .

In the 312(g) Relief grant, Commission staff noted, "Upon review of the facts and circumstances presented, we find that HC2's request for reinstatement and extension of license and silent authority to December 31, 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. W28ES-D was displaced by the incentive auction and diligently pursued a new digital displacement facility. Due to circumstances outside its control, most notably delays with WKOB vacating W28ES-D's displacement channel, W28ES-D has been unable to return to the air. Grant of relief will enable the Station to return to the air and once again serve its viewers."

The station resumed operations when it filed a License to Cover, FCC File Number: 0000178220 on 12/29/2021. The License to Cover was granted on 1/4/2022. Since that date, the station has been operating pursuant to its authorized specifications.

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