

Renewal of License – Adherence to Minimum Operating Schedule Narrative

DTV America Corporation acquired the license for KWPL-LD, Facility ID: 183558, Santa Fe, NM pursuant to an assignment application. The Assignor was: Paul G. Donner. The Lead File Number was: BAL-20160421AFJ. The assignment was consummated on 6/7/2016. Accordingly, the certifications contained in this narrative cover the period from 6/7/2016 to the present.

The station went silent on 8/2/2016 and filed a Silent Special Temporary Authority (“Silent STA”) request, FCC File Number: 0000013455. The specific reason for the period of silence was outlined in the Consent Decree. The Silent STA was granted on 8/4/2016.

The station resumed operations on 1/10/2017 and filed a Resumption of Operations, FCC File Number: 0000021475 on 1/20/2017.

The station went silent on 1/10/2017 and filed a Silent STA request, FCC File Number: 0000021477. 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 on 7/5/2017 and filed FCC File Number: 0000025674. The specific reason for the period of silence was outlined in the Consent Decree.

HC2 Broadcasting acquired majority control of the license for KWPL-LD, Facility ID: 183558, Santa Fe, NM pursuant to a transfer of control application as part of the Media Bureau’s *DTV America Corporation et al.*, Consent Decree, 32 FCC Rcd 9129 (MB rel. Oct. 31, 2017). The Transferor was: DTV America Corporation. The Transferor was: DTV America Corporation. The Lead File Number was: BTCDTL-20170714ABI and the Member File Number was: BTCDTL-20170714ACY. The acquisition was consummated on 11/9/2017.

The station resumed operations on 1/10/2018 and filed a Resumption of Operations, FCC File Number: 0000040198 on 1/12/2018.

The station went silent on 1/10/2018 and filed a Silent STA request, FCC File Number: 0000040399. 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

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.”

such as tower crews and equipment than they would have had otherwise, a factor that the Commission and the Media Bureau acknowledged.²

The station resumed operations on 3/14/2018 and filed a Resumption of Operations, FCC File Number: 0000048794 on 3/15/2018.

The station went silent on 3/14/2018 and filed a Silent STA request, FCC File Number: 0000048807. The specific reason for the period of silence was, “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. [Additionally,] an STA may be necessary to avoid the inefficiency and waste associated with building a second, duplicative broadcast facility that can only be used for a short period of time. The station will be displaced as part of the repacking process and would need to build a separate facility to operate on a new channel. Thus, without an STA, DTV America may be forced to build a first facility to operate on the station’s current channel and then, soon after, to build a second facility to operate on the station’s new channel.” The Silent STA was granted on 3/15/2018.

The station extended the Silent STA on 9/10/2018 and filed FCC File Number: 0000059525. The specific reason for the extended period of silence was the station was in the process of building the granted Displacement Construction Permit, FCC File Number: 0000052470.

The station resumed operations on 11/11/2018 and filed a Resumption of Operations, FCC File Number: 0000063512 on 11/13/2018.

The station went silent on 11/11/2018 and filed a Silent STA request, FCC File Number: 0000063542. The specific reason for the extended period of silence was the station was in the process of building the granted Displacement Construction Permit, FCC File Number: 0000052470. The Silent STA was granted on 11/13/2018.

The station extended the Silent STA on 5/10/2019 and filed FCC File Number: 0000072588. The specific reason for the extended period of silence was the station was in the process of building the granted Displacement Construction Permit, FCC File Number: 0000052470.

The station duly filed a Section 312(g) waiver request on 11/12/2019, FCC File Number: 0000072588, which was granted on 3/23/2020.³

The station resumed operations on 6/17/2020 when it became operational under Engineering STA, FCC File Number: 0000116469. The Engineering STA was granted on 7/16/2020. The station filed

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.

a License to Cover, FCC File Number: 0000121373 on 9/9/2020. The License to Cover was granted on 1/25/2021.

The station went silent on 10/20/2020 and filed a Silent STA request, FCC File Number: 0000125064. The specific reason for the extended period of silence was the transmitter's exciter needed repair. The pending Silent STA request was withdrawn on 12/14/2020 when the station resumed operations on 12/8/2020 and the exciter repair was completed. Since that date, the station has been operating pursuant to its authorized specifications.