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Subject: Warning: ATSC 3.0 Application Filing (KHFD-LD & W26ET-D)
Date: Tuesday, August 15, 2023 2:55:00 PM

Dear Licensee/Representatives,

This e-mail serves as a warning to Edge Spectrum, Inc. and all related entities under the oversight of Ark Multicasting that the Commission's rules require all ATSC 3.0 applications be filed and approved prior to the commencement of ATSC 3.0 operations. *See* 47 CFR § 74.782(g)(2). On August 3, 2023, Edge filed an ATSC 3.0 application for KHFD-LD, Dallas, TX (Facility ID No. 127785) and W26ET-D, Chattanooga, TN (Facility ID No. 72218) (Stations) requesting authority to convert the stations to ATSC 3.0. Edge stated in its application that the Stations completed construction of the technical facilities specified in their minor modification applications and began operations using an ATSC 3.0 signal back in November and December of 2022, respectively. Because the Stations were silent and constructing new facilities they did not commence operation in ATSC 1.0 following the filing of their license to cover applications. Under the *2017 ATSC 3.0 Report and Order* the Commission set forth a process for filing applications that requires all non-expedited application to be filed at least 15 business days (3 weeks) prior to the planned transition date. *See* FCC 17-158, para. 34. To the extent a station is previously silent and commencing operations for a new, modified facility in ATSC 3.0, such information must be disclosed in the station's application for license to cover. The station will then be provided a specified period of time to file a minor modification in LMS in order for the transition to be administratively reflected in LMS.

Future failure to file ATSC 3.0 applications prior to commencing ATSC 3.0 operations or properly inform the Bureau of such plan in its license to cover application may result in sanction, including forfeiture. Please also note, failure to file applications at least 15 days prior to planned commencement of 3.0 operations for requests that qualify for expedited processing may result in the application not being able to be granted by the requested date.

The pending applications have been passed on for final processing and will be granted as soon as possible.

I'd request the licensee or its representative please confirm receipt of this e-mail.

Regards,

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