



Federal Communications Commission
Washington, D.C. 20554

March 19, 2024

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL

Upper Wenatchee Valley TV Association, Inc.
c/o/ Bill Pratt
102 Cottage Avenue
Cashmere, WA 98815
b.badlands@yahoo.com

In re: K40AE-D, Cashmere, etc., WA
Facility ID No. 69502

Dear Licensee:

This letter is to inquire as to the current operational status and displacement plans of television translator (TV translator) station K40AE-D, Cashmere, etc., Washington (Station), licensed to Upper Wenatchee Valley TV Association, Inc. As part of the Commission's 2017 broadcast television incentive auction, television channels 37 to 51 were reallocated for use by new wireless licensees.¹ TV translator and low power television (LPTV) stations on channels 39-43 and 47-51 (out-of-core channels) were permitted to remain operating on their out-of-core channel until notified by the new wireless licensee that they must cease operations to prevent interference.² It has now been over seven years since the conclusion of the broadcast television incentive auction and except for a limited number of stations, all LPTV and TV translators have moved to channels 2-36 (in-core channels).³ Our records indicate that the Station was granted a "displacement" construction permit for an in-core channel,⁴ however, that construction permit has expired and the Station does not have a valid in-core channel authorization. **You must reply to this letter by April 18, 2024, in order to avoid cancellation of the Station's license.**

Although out-of-core stations are still permitted to operate on their out-of-core channels so long as they have not received notification from a wireless licensee, given the passage of time since the conclusion of the incentive auction, we seek to ensure those stations are still operating and have a plan to eventually move to an in-core channel. Accordingly we request that you provide the following information.

1. Is the Station currently operating on its licensed out-of-core channel? If not, what is the precise date the Station went silent or what channel is the Station currently operating on? If you failed to file a license to cover for your expired construction permits please provide the date you commenced operation and explain why you failed to file a license to cover. Additional guidance will be provided by Division staff on additional documentation that will be needed to reinstate the construction permit and file an application for license to cover. Alternatively, if your station is currently silent, please explain why you have not filed a new

¹ See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Report and Order, 29 FCC Rcd 6567, 6617-80, paras. 109-257 (2014).

² *Id.* at 6841-2, paras. 668-71.

³ See Incentive Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced, Public Notice, 32 FCC Rcd 2786 (2017).

⁴ K40AE-D was granted a construction permit for channel 15 that expired on August 21, 2021 (LMS File No. 0000054488).

displacement application and any obstacles that may be preventing you from constructing a new in-core facility.

2. Have you received a notice from a wireless licensee to stop operating? If so, when, and please explain why your displacement construction permit was allowed to expire. If you have not received a notice from a wireless licensee, do you intend to continue operating on your out-of-core channel until such notice is received? Do you intend to seek a new displacement channel once required to move the Station to an in-core channel?
3. If you plan to seek a new displacement channel, please indicate your plan and timeline for filing a new displacement application for new in-core channels and completing construction of those facilities.

Your written response to these questions must be filed by April 18, 2024, and must be sent as follows:

- *If sent by commercial overnight mail* (other than U.S. Postal Service Express Mail or Priority Mail), the response should be sent to the attention of Shaun Maher, Video Division, Media Bureau, Federal Communications Commission, BrightKey, 9050 Junction Drive, Annapolis Junction, MD 20701.
- *If sent by first-class, Express, or Priority Mail*, the response should be sent to Shaun Maher, Video Division, Media Bureau, Federal Communications Commission, 45 L Street, NE, Room 4-444, Washington, DC 20554.

An electronic copy of your response must also be sent via e-mail to Shaun.Maher@fcc.gov and Mark.Colombo@fcc.gov.

If you fail to reply to this letter by **April 18, 2024**, we will conclude that the Station has not operated for a period of 30 days or more and the Commission's public and internal databases **WILL BE MODIFIED** to indicate that pursuant to section 74.763(c) of the Commission's rules the Station has permanently discontinued operation.⁵ Accordingly, the license **WILL BE CANCELLED**, the Station's call sign **WILL BE DELETED**, and any pending applications **WILL BE DISMISSED**.

As an alternative to a written response to this letter or if the Station is no longer operating and you do not plan to seek displacement to a new "in-core" channel, you may submit the Station's license for cancellation in the Commission's Licensing and Management System.⁶

⁵ 47 CFR § 73.763(c). We also note that license cancellation could be warranted under section 312(g) of the Communications Act of 1934 which states, in part, that "[i]f a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license...for any reason to promote equity and fairness." 47 U.S.C. § 312(g); *see* 47 CFR §74.15(f).

⁶ Requests for license cancellation may be filed electronically in the Commission's Licensing and Management System (LMS). After logging in to LMS: (1) click on "Facility" tab on the left top of the page; (2) click on facility ID of the station; (3) click on "File an Application" button; (4) select "Cancellation" from the drop-down menu; and (5) complete the application and click "Submit."

Any questions concerning this matter should be directed to Shaun Maher, Video Division, Media Bureau at 202-418-2324 or Shaun.Maher@fcc.gov.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau