

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of)

Cornerstone Television, Inc.)

W46EJ-D, Clarksburg, WV)

Facility ID No. 128493

TO: CHIEF, VIDEO DIVISION, MEDIA BUREAU

**REQUEST FOR WAIVER OF
LPTV DISPLACEMENT APPLICATION FILING FREEZE**

Cornerstone Television, Inc. (“CTI”) licensee of low power digital television station W46EJ-D, Clarksburg, WV, (Fac. Id. 128493), pursuant to 47 C.F.R. §1.3, for good cause shown, hereby requests a waiver of the current freeze on the filing of displacement applications by low power television stations.¹

CTI has operated W46EJ-D since October 28, 2005, building out digital facilities in October 28, 2009. The station operates digitally on channel 46. As a result of the now concluded Television Incentive Auction, all television stations are being migrated to and will exist between channels 2 and 36. The FCC has tentatively scheduled a filing window for displaced LPTV stations like W46EJ-D for the first quarter of 2018. However, T-Mobile intends to commence wireless operations within W46EJ-D’s coverage area before the 2018 displacement window, and has provided CTI with the required 120-day notice letter. W46EJ-D must therefore cease operations no later than October 31, 2017.

¹ See *Freeze on the Filing of Applications for Digital Replacement Translator Stations and Displacement Applications*, Public Notice, 29 FCC Rcd 6063 (MB 2014) (*Displacement Freeze Public Notice*).

In anticipation of such early displacements and interruption of television service, the FCC has announced that it will accept displacement applications for LPTV stations that receive a 120-day notice letter, provided that a waiver of the displacement application filing freeze is requested, and a request for temporary operation on the requested channel is simultaneously filed.² This waiver request is made in accordance with the FCC's announced policy.

The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *See Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). Waiver of the Commission's rules is appropriate if (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *See id.*

W46EJ-D's over ten-year history of providing television service to residents of West Virginia is threatened by T-Mobile's decision to build out its wireless operation early. The resulting loss of television service would be inconsistent with the public interest. In this unique circumstance, an exception to the displacement application filing freeze will enable the provision of uninterrupted television service to the residents of West Virginia. Grant of the waiver will serve the public interest by avoiding a loss of television service.

² *See Incentive Auction Task Force and Media Bureau Set Forth Tools Available to LPTV/Translator Stations Displaced Prior to the Special Displacement Window*, Public Notice, DA 17-584 (released June 14, 2017)

For the foregoing reasons, CTI respectfully requests a waiver of the displacement application filing freeze so that W46EJ-D may seek an alternate channel and continue operating.

Respectfully submitted:

A handwritten signature in blue ink, reading "Joseph C. Chautin, III". The signature is fluid and cursive, with the last name "Chautin" being more prominent.

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