

Request for Waiver of Section 73.3700(b)(1)(vii)

Pursuant to Section 1.3 of the Commission's rules, Northstar San Francisco License, LLC ("Northstar"), licensee of KEMO-TV, Santa Rosa, California, hereby requests a waiver of the Commission's November 24, 2017, channel sharing construction permit application filing deadline as established by Section 73.3700(b)(1)(vii) (the "Filing Deadline").¹ As shown herein, good cause exists for the Commission to grant Northstar additional time to file a channel sharing construction permit application for KEMO-TV.

Northstar participated in the incentive auction with KEMO-TV as a "Channel Sharing" station, meaning that Northstar indicated an interest in finding a channel sharing partner after the auction concluded. Northstar was a successful bidder in the Commission's incentive auction. On July 20, 2017 the Commission announced that it had directed the U.S. Treasury to make incentive auction payments to licensees with winning bids in the reverse auction, including Northstar.² The Ready to Pay PN established the "Go Off-Air Date" for Northstar as January 23, 2018. Under Commission rules, to institute operations as a channel sharing station, Northstar is required to find a channel sharing partner and file a minor change application for a construction permit to operate on its partner's channel at least sixty days prior to the Go Off-Air Date, or no later than November 24, 2017.³

Northstar currently is in active negotiations with potential channel sharing partners and is diligently working to finalize an agreement and file the necessary construction permit application

¹ See 47 C.F.R. §§ 1.3, 73.3700(b)(1)(vii).

² See Incentive Auction Task Force and Media and Wireless Telecommunications Bureau Announce the Commission is Ready to Pay Reverse Auction Winning Bids, *Public Notice*, DA 17-702 (rel. July 20, 2017) (the "Ready to Pay PN").

³ See 47 C.F.R. Section 73.3700(b)(1)(vii).

by the Filing Deadline. The Commission has requested that stations seeking a waiver of the Filing Deadline file such requests thirty (30) days prior to the Filing Deadline.⁴ Therefore, in an abundance of caution, Northstar is asking for a waiver of the Filing Deadline for an additional 60 days in the event that Northstar is unable to file a construction permit application by the Filing Deadline.⁵

The requested waiver of the Filing Deadline will serve the public better than strict enforcement of the rules in this case. If the Filing Deadline passes before KEMO-TV is able to file a channel sharing construction permit, KEMO-TV will be forced to cease operations on January 23, 2018, and viewers in the San Francisco market will lose access to the valuable programming that KEMO-TV historically has provided. The Commission's channel-sharing policy has favored maintaining independent stations over letting those licenses pass, and the requested waiver will further that policy. Accordingly, Northstar respectfully requests that its request for a waiver of the Filing Deadline be granted swiftly so that Northstar can confidently complete its channel sharing negotiations for KEMO-TV.

⁴ See Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition, *Public Notice*, DA 17-106 (rel. Jan. 27, 2017) at ¶ 66 (“If a sharee needs additional time to submit its application for a construction permit, then it may request a waiver of the construction permit filing deadline. . . . [S]tations are urged to file no later than 30 days prior to the deadline for filing their application for a construction permit. . . .”).

⁵ Northstar understands that this waiver request does not encompass the January 23, 2018 “Go Off-Air Date” and that any request for an extension of time to go off-air must be filed separately.