

**Request for Further Waiver of Deadline for Channel Sharing Station
to Discontinue Operations on Pre-Auction Channel**

Pursuant to Section 1.3 of the FCC's Rules, KAZN-TV Licensee, LLC, licensee of full power television Station KILM(DT), Barstow, California (FIN: 63865) ("Station KILM"), hereby requests a further waiver of Sections 73.3700(b)(1)(vii) and (b)(4)(ii) of the Commission's Rules to allow Station KILM an additional 90 days, beyond that already provided, in which to discontinue operations on its pre-auction channel and file a license to cover its channel sharing construction permit.

Station KILM submitted a successful bid in the incentive auction to turn in its spectrum and discontinue its operation. On October 10, 2017, Station KILM submitted an application for a construction permit to channel share with full power television Station KXPB-TV (file number 0000033397). The permit was granted on November 7, 2017 with an expiration date of April 23, 2018. By file no. 0000034070, Station KILM received an extension of time to construct. See Letter of October 26, 2017 to KAZN-TV Licensee, LLC. This further request for an extension of time is filed as soon as it became apparent that Station KILM would not be able to construct in time. See *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, 32 FCC Rcd 858 at ¶ 70 (2017) ("*Procedures PN*").

Station KILM intended to complete construction by the deadline but now believes it will require additional time to implement the CSA and provide the notifications to viewers and MVPDs, as required under the Commission's rules. The Los Angeles DMA is extensive and the preparatory work required to implement the channel sharing has taken longer than anticipated. As a result, Station KILM submits this waiver request for consideration.

The FCC may grant a waiver for good cause shown. In the January 27, 2017 Public Notice, the Commission specifically anticipated that stations may need additional time to implement a channel sharing arrangement and that it "will view requests for up to three additional months to terminate operations most favorably." *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, 29 FCC Rcd 6567 ¶ 578 (2014). In the *Second Order on Reconsideration*, the Commission added that "winning channel sharing bidders may request an additional three-months...." See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, 30 FCC Rcd 12016, 12020 (2015) ("*Second Order on Reconsideration*"). More recently, the Commission concluded that "[t]he Media Bureau will view favorably applications/requests that are otherwise compliant with our rules and have little or no impact on other stations' transition schedule." *Procedures PN* at ¶ 73. Finally, the Commission has confirmed that no harm will arise from such waivers because "the availability of waivers of up to an additional six months is unlikely to adversely affect the Commission's post-auction transition timeline." *Second Order on Reconsideration* at ¶ 11.

Here, a further extension is in the public interest. The additional time will facilitate Station KILM's ability to channel share successfully and without disruption, which, as the Commission has recognized, will "promote longstanding policy goals for broadcast television, including localism, viewpoint diversity, and competition." *In the Matter of Innovation in the Broad. Television Bands: Allocations, Channel Sharing & Improvements*

to VHF, 27 FCC Rcd. 4616 ¶ 3 (2012) (recognizing the public interest benefits of flexible, post auction channel sharing).

Furthermore, the waiver permits Station KILM to continue to utilize its current channel for an additional three months and serve its long-time over-the-air viewers with the Station's primary and multicast streams, which offer a unique programming service to foreign language and minority viewers in the Los Angeles DMA. *In the Procedures PN*, the Commission indicated that it would be concerned with continued operation if it delayed or disrupted the post auction transition schedule. However, Phase 1 of the repack is not scheduled until September 14, 2018. Thus, an additional three months will not adversely impact that timeline.

Accordingly, Station KILM respectfully requests an additional 90 day period (to July 23, 2018), in which to terminate operations on its pre-auction channel.