

License to Cover Application and Waiver Request

HC2 Network Inc. respectfully submits this application and waiver request in support of its license to cover application for KEMO-TV (Facility ID 34440).

Poquito Mas Communications LLC and HC2's predecessor-in-interest have entered into a Channel Sharing and Facilities Agreement to share KCNZ-CD's channel 28.¹ The FCC granted KEMO-TV a construction permit to build-out its shared facility on channel 28 and, through subsequent waiver requests, provided HC2 until July 23, 2018 to implement shared operations on channel 28 and discontinue operations on KEMO-TV's pre-auction channel.²

KEMO-TV has suspended operations on its pre-auction channel and transitioned to channel 28. Prior to transitioning to channel 28, KEMO-TV ran 60-second crawls at the bottom of the station's viewing area for the 30 days prior to terminating operations on its pre-auction channel.³ The crawls informed viewers of the need to re-scan to receive KEMO-TV's signal over-the-air on its new channel assignment and explained how viewers could obtain additional information.⁴ KEMO-TV distributes Azteca America programming and therefore ran the crawls in Spanish.⁵ In addition, KEMO-TV ran 30-second PSAs during the month of March 2018 providing information on the transition. KEMO-TV provided notice to multichannel video programming distributors that carry the station's signal at least 30 days in advance of KEMO-TV terminating operations on its pre-auction channel.⁶

HC2 requests waiver of sections 73.3700(b)(4)(ii) and 73.1620(a) of the Commission's rules.⁷ The station failed to notify the FCC at least two days prior to discontinuing operations on its pre-auction channel and inadvertently delayed submission of a license to cover application following commencement of operations on its shared facilities.

¹ See KEMO-TV, Amendment to a Modification of a Licensed Facility for DTV Application, FCC LMS File No. 0000035446 (granted Dec. 6, 2017).

² See Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau, FCC to Northstar San Francisco License, LLC, LMS File No. 0000048896 (Mar. 23, 2018) ("Second Extension Letter").

³ See 47 C.F.R. § 73.3700(c)(3).

⁴ See *id.* § 73.3700(c)(4)(ii). KEMO-TV originally intended to terminate operations on its pre-auction channel on March 31, 2018. KEMO-TV ran crawls and aired PSAs throughout March 2018 noting that KEMO-TV intended to terminate operations on its pre-auction channel on March 31, 2018. However, KEMO-TV did not terminate operations on its pre-auction channel until May 1, 2018. And while crawls were run on KEMO-TV throughout the month of April as well, the crawls did not list the delayed termination date.

⁵ See *id.* § 73.3700(c)(4)(i).

⁶ See *id.* § 73.3700(d). Copies of the notices are attached to this exhibit.

⁷ To the extent necessary, HC2 also requests a waiver of rule 73.3700(c)(4)(ii) for failure to include the termination date in on-air crawls aired in April 2018.

Granting a waiver would serve the public interest. A waiver is appropriate where the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity or produce a more effective implementation of overall policy on an individual basis.⁸ Here, KEMO-TV ran crawls (as well as PSAs in March) for two months prior to terminating operations on its pre-auction channel and transitioning to channel 28. KEMO-TV also provided MVPDs with notice of the station's transition date within the required period of time under the rules. Neither viewers nor distributors of KEMO-TV suffered harm as a result of the station's regulatory omissions. The station inadvertently failed to timely submit a suspension notice and license to cover application in its rush to implement its channel sharing arrangement. HC2 acted immediately upon discovery to correct the issue and has implemented procedures to ensure suspension notices and covering applications are timely filed, including tracking relevant channel sharing regulatory deadlines in a comprehensive station database.

For these reasons, HC2 Network Inc. respectfully requests that the FCC grant KEMO-TV's application for a license to cover its channel sharing construction permit.

⁸ See, e.g., *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).



March 30, 2018

VIA FIRST CLASS MAIL

AT&T Services, Inc.
2260 East Imperial Highway
El Segundo, CA 90245
Attention: Michael Simpson – Specialist, Content and Programming

Re: Notice of Channel Sharing Operations

Dear Michael Simpson:

In accordance with Section 73.3700(d) of the FCC's rules, HC2 NETWORK INC., ("Sharee"), licensee of commercial television station KEMO-TV, San Francisco – Oakland – San Jose, California, hereby notifies AT&T Services Inc. ("Operator") that on April 30, 2018 Sharee will terminate operations of KEMO-TV on its pre-auction channel and begin shared operations with KCNZ-CD, San Francisco, CA. Implementation of the shared station operations will not require modification of the antenna position, location, or power levels of KCNZ-CD's current facilities.

In accordance with the Commission's rules, Sharee provides the following information to Operator:

Date and Time of Channel Change:	April 30, 2018 at 12:00 AM
KCNZ-CD Pre-Auction (physical) Channel:	28.1 thru 28.15
KCNZ-CD Pre-Auction (display) Channel:	28-01 thru 28-15
KEMO-TV Pre-Auction (physical) Channel:	30.3
KEMO-TV Pre-Auction (display) Channel:	50-1
KCNZ-CD Shared (physical) Channel and Stream:	28.1 thru 28.16
KCNZ-CD Shared (display) Channel and Stream:	50.1 thru 50-1
KEMO-TV Shared (physical) Channel and Stream:	28.16
KEMO-TV Shared (display) Channel and Stream:	50-1
Sharee Engineering Contact Person:	Andrew Cain Telephone: (818) 241-5400 Ext 1024 Email: acain@aztecaamerica.com 700 N. Central Ave. Suite 300 Glendale, CA 91203

If there are any questions regarding this notice, please contact Andrew Cain using the above contact information.

Sincerely,

A handwritten signature in black ink, appearing to be 'Andrew Cain', written over a horizontal line.

Andrew Cain
Engineering and Operations Director



March 30, 2018

VIA FIRST CLASS MAIL

AT&T Services, Inc.
2260 East Imperial Highway
El Segundo, CA 90245
Attention: Vice President, Content and Programming

Re: Notice of Channel Sharing Operations

Dear Vice President:

In accordance with Section 73.3700(d) of the FCC's rules, HC2 NETWORK INC., ("Sharee"), licensee of commercial television station KEMO-TV, San Francisco – Oakland – San Jose, California, hereby notifies AT&T Services Inc. ("Operator") that on April 30, 2018 Sharee will terminate operations of KEMO-TV on its pre-auction channel and begin shared operations with KCNZ-CD, San Francisco, CA. Implementation of the shared station operations will not require modification of the antenna position, location, or power levels of KCNZ-CD's current facilities.

In accordance with the Commission's rules, Sharee provides the following information to Operator:

Date and Time of Channel Change:	April 30, 2018 at 12:00 AM
KCNZ-CD Pre-Auction (physical) Channel:	28.1 thru 28.15
KCNZ-CD Pre-Auction (display) Channel:	28-01 thru 28-15
KEMO-TV Pre-Auction (physical) Channel:	30.3
KEMO-TV Pre-Auction (display) Channel:	50-1
KCNZ-CD Shared (physical) Channel and Stream:	28.1 thru 28.16
KCNZ-CD Shared (display) Channel and Stream:	50.1 thru 50-1
KEMO-TV Shared (physical) Channel and Stream:	28.16
KEMO-TV Shared (display) Channel and Stream:	50-1
Sharee Engineering Contact Person:	Andrew Cain Telephone: (818) 241-5400 Ext 1024 Email: acain@aztecaamerica.com 700 N. Central Ave. Suite 300 Glendale, CA 91203

If there are any questions regarding this notice, please contact Andrew Cain using the above contact information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Cain', written over a horizontal line.

Andrew Cain
Engineering and Operations Director



March 30, 2018

VIA FIRST CLASS MAIL

Comcast Corporation – Head Quarters
3055 Comcast Place,
Livermore, CA 94551
Attention: Sandra Lucas-Santos – Senior Marketing Manager

Re: Notice of Channel Sharing Operations

Dear Sandra Lucas-Santos:

In accordance with Section 73.3700(d) of the FCC's rules, HC2 NETWORK INC., ("Sharee"), licensee of commercial television station KEMO-TV, San Francisco – Oakland – San Jose, California, hereby notifies Comcast Corporation ("Operator") that on April 30, 2018 Sharee will terminate operations of KEMO-TV on its pre-auction channel and begin shared operations with KCNZ-CD, San Francisco, CA. Implementation of the shared station operations will not require modification of the antenna position, location, or power levels of KCNZ-CD's current facilities.

In accordance with the Commission's rules, Sharee provides the following information to Operator:

Date and Time of Channel Change:	April 30, 2018 at 12:00 AM
KCNZ-CD Pre-Auction (physical) Channel:	28.1 thru 28.15
KCNZ-CD Pre-Auction (display) Channel:	28-01 thru 28-15
KEMO-TV Pre-Auction (physical) Channel:	30.3
KEMO-TV Pre-Auction (display) Channel:	50-1
KCNZ-CD Shared (physical) Channel and Stream:	28.1 thru 28.16
KCNZ-CD Shared (display) Channel and Stream:	50.1 thru 50-1
KEMO-TV Shared (physical) Channel and Stream:	28.16
KEMO-TV Shared (display) Channel and Stream:	50-1
Sharee Engineering Contact Person:	Andrew Cain Telephone: (818) 241-5400 Ext 1024 Email: acain@aztecaamerica.com 700 N. Central Ave. Suite 300 Glendale, CA 91203

If there are any questions regarding this notice, please contact Andrew Cain using the above contact information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Cain', with a large, stylized flourish extending to the right.

Andrew Cain
Engineering and Operations Director



March 30, 2018

VIA FIRST CLASS MAIL

Comcast Corporation – Head Quarters
1701 John F. Kennedy Blvd
Philadelphia, PA 19103
Attention: Michael Nissenblatt – SVP Content Planning and Aquisition

Re: Notice of Channel Sharing Operations

Dear Michael Nissenblatt:

In accordance with Section 73.3700(d) of the FCC's rules, HC2 NETWORK INC., ("Sharee"), licensee of commercial television station KEMO-TV, San Francisco – Oakland – San Jose, California, hereby notifies Comcast Corporation ("Operator") that on April 30, 2018 Sharee will terminate operations of KEMO-TV on its pre-auction channel and begin shared operations with KCNZ-CD, San Francisco, CA. Implementation of the shared station operations will not require modification of the antenna position, location, or power levels of KCNZ-CD's current facilities.

In accordance with the Commission's rules, Sharee provides the following information to Operator:

Date and Time of Channel Change:	April 30, 2018 at 12:00 AM
KCNZ-CD Pre-Auction (physical) Channel:	28.1 thru 28.15
KCNZ-CD Pre-Auction (display) Channel:	28-01 thru 28-15
KEMO-TV Pre-Auction (physical) Channel:	30.3
KEMO-TV Pre-Auction (display) Channel:	50-1
KCNZ-CD Shared (physical) Channel and Stream:	28.1 thru 28.16
KCNZ-CD Shared (display) Channel and Stream:	50.1 thru 50-1
KEMO-TV Shared (physical) Channel and Stream:	28.16
KEMO-TV Shared (display) Channel and Stream:	50-1
Sharee Engineering Contact Person:	Andrew Cain Telephone: (818) 241-5400 Ext 1024 Email: acain@aztecaamerica.com 700 N. Central Ave. Suite 300 Glendale, CA 91203

If there are any questions regarding this notice, please contact Andrew Cain using the above contact information.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and curves, positioned above a horizontal line.

Andrew Cain
Engineering and Operations Director



March 30, 2018

VIA FIRST CLASS MAIL

DirecTV L.L.C.
2260 East Imperial Highway
Mail Stop LA-5/N321
El Segundo, CA 90245
Attention: Local – Into – Local Elections

Re: Notice of Channel Sharing Operations

Dear Sir / Madame:

In accordance with Section 73.3700(d) of the FCC's rules, HC2 NETWORK INC., ("Sharee"), licensee of commercial television station KEMO-TV, San Francisco – Oakland – San Jose, California, hereby notifies DirecTV L.L.C. ("Operator") that on April 30, 2018 Sharee will terminate operations of KEMO-TV on its pre-auction channel and begin shared operations with KCNZ-CD, San Francisco, CA. Implementation of the shared station operations will not require modification of the antenna position, location, or power levels of KCNZ-CD's current facilities.

In accordance with the Commission's rules, Sharee provides the following information to Operator:

Date and Time of Channel Change:	April 30, 2018 at 12:00 AM
KCNZ-CD Pre-Auction (physical) Channel:	28.1 thru 28.15
KCNZ-CD Pre-Auction (display) Channel:	28-01 thru 28-15
KEMO-TV Pre-Auction (physical) Channel:	30.3
KEMO-TV Pre-Auction (display) Channel:	50-1
KCNZ-CD Shared (physical) Channel and Stream:	28.1 thru 28.16
KCNZ-CD Shared (display) Channel and Stream:	50.1 thru 50-1
KEMO-TV Shared (physical) Channel and Stream:	28.16
KEMO-TV Shared (display) Channel and Stream:	50-1
Sharee Engineering Contact Person:	Andrew Cain Telephone: (818) 241-5400 Ext 1024 Email: acain@aztecaamerica.com 700 N. Central Ave. Suite 300 Glendale, CA 91203

If there are any questions regarding this notice, please contact Andrew Cain using the above contact information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Cain', written over a horizontal line.

Andrew Cain
Engineering and Operations Director



March 30, 2018

VIA FIRST CLASS MAIL

Dish Network L.L.C.
9601 S. Meridian Blvd.
Englewood, CO 80112

Re: Notice of Channel Sharing Operations

Dear Teresa Cain:

In accordance with Section 73.3700(d) of the FCC's rules, HC2 NETWORK INC., ("Sharee"), licensee of commercial television station KEMO-TV, San Francisco – Oakland – San Jose, California, hereby notifies Dish Network ("Operator") that on April 30, 2018 Sharee will terminate operations of KEMO-TV on its pre-auction channel and begin shared operations with KCNZ-CD, San Francisco, CA. Implementation of the shared station operations will not require modification of the antenna position, location, or power levels of KCNZ-CD's current facilities.

In accordance with the Commission's rules, Sharee provides the following information to Operator:

Date and Time of Channel Change:	April 30, 2018 at 12:00 AM
KCNZ-CD Pre-Auction (physical) Channel:	28.1 thru 28.15
KCNZ-CD Pre-Auction (display) Channel:	28-01 thru 28-15
KEMO-TV Pre-Auction (physical) Channel:	30.3
KEMO-TV Pre-Auction (display) Channel:	50-1
KCNZ-CD Shared (physical) Channel and Stream:	28.1 thru 28.16
KCNZ-CD Shared (display) Channel and Stream:	50.1 thru 50-1
KEMO-TV Shared (physical) Channel and Stream:	28.16
KEMO-TV Shared (display) Channel and Stream:	50-1
Sharee Engineering Contact Person:	Andrew Cain Telephone: (818) 241-5400 Ext 1024 Email: acain@aztecaamerica.com 700 N. Central Ave. Suite 300 Glendale, CA 91203

If there are any questions regarding this notice, please contact Andrew Cain using the above contact information.

Sincerely,

A handwritten signature in black ink, appearing to be 'Andrew Cain', written over a horizontal line.

Andrew Cain
Engineering and Operations Director



March 30, 2018

VIA FIRST CLASS MAIL

Dish Network L.L.C.
9601 S. Meridian Blvd.
Englewood, CO 80112
Attention: Officer of General Counsel

Re: Notice of Channel Sharing Operations

Dear Sir / Madame:

In accordance with Section 73.3700(d) of the FCC's rules, HC2 NETWORK INC., ("Sharee"), licensee of commercial television station KEMO-TV, San Francisco – Oakland – San Jose, California, hereby notifies Dish Network ("Operator") that on April 30, 2018 Sharee will terminate operations of KEMO-TV on its pre-auction channel and begin shared operations with KCNZ-CD, San Francisco, CA. Implementation of the shared station operations will not require modification of the antenna position, location, or power levels of KCNZ-CD's current facilities.

In accordance with the Commission's rules, Sharee provides the following information to Operator:

Date and Time of Channel Change:	April 30, 2018 at 12:00 AM
KCNZ-CD Pre-Auction (physical) Channel:	28.1 thru 28.15
KCNZ-CD Pre-Auction (display) Channel:	28-01 thru 28-15
KEMO-TV Pre-Auction (physical) Channel:	30.3
KEMO-TV Pre-Auction (display) Channel:	50-1
KCNZ-CD Shared (physical) Channel and Stream:	28.1 thru 28.16
KCNZ-CD Shared (display) Channel and Stream:	50.1 thru 50-1
KEMO-TV Shared (physical) Channel and Stream:	28.16
KEMO-TV Shared (display) Channel and Stream:	50-1
Sharee Engineering Contact Person:	Andrew Cain Telephone: (818) 241-5400 Ext 1024 Email: acain@aztecaamerica.com 700 N. Central Ave. Suite 300 Glendale, CA 91203

If there are any questions regarding this notice, please contact Andrew Cain using the above contact information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Cain', with a long horizontal line extending to the right.

Andrew Cain
Engineering and Operations Director



March 30, 2018

VIA FIRST CLASS MAIL

Wave Broadband – Headquarters
401 Parkplace Center, Suite# 100
Kirkland, WA 98033
Attention: Andria Pritchard – Vice President of Content and Programming

Re: Notice of Channel Sharing Operations

Dear Andria Pritchard:

In accordance with Section 73.3700(d) of the FCC's rules, HC2 NETWORK INC., ("Sharee"), licensee of commercial television station KEMO-TV, San Francisco – Oakland – San Jose, California, hereby notifies Wave Broadband ("Operator") that on April 30, 2018 Sharee will terminate operations of KEMO-TV on its pre-auction channel and begin shared operations with KCNZ-CD, San Francisco, CA. Implementation of the shared station operations will not require modification of the antenna position, location, or power levels of KCNZ-CD's current facilities.

In accordance with the Commission's rules, Sharee provides the following information to Operator:

Date and Time of Channel Change:	April 30, 2018 at 12:00 AM
KCNZ-CD Pre-Auction (physical) Channel:	28.1 thru 28.15
KCNZ-CD Pre-Auction (display) Channel:	28-01 thru 28-15
KEMO-TV Pre-Auction (physical) Channel:	30.3
KEMO-TV Pre-Auction (display) Channel:	50-1
KCNZ-CD Shared (physical) Channel and Stream:	28.1 thru 28.16
KCNZ-CD Shared (display) Channel and Stream:	50.1 thru 50-1
KEMO-TV Shared (physical) Channel and Stream:	28.16
KEMO-TV Shared (display) Channel and Stream:	50-1
Sharee Engineering Contact Person:	Andrew Cain Telephone: (818) 241-5400 Ext 1024 Email: acain@aztecaamerica.com 700 N. Central Ave. Suite 300 Glendale, CA 91203

If there are any questions regarding this notice, please contact Andrew Cain using the above contact information.

Sincerely,

A handwritten signature of Andrew Cain, consisting of a large, stylized 'A' followed by 'Cain' in a cursive script.

Andrew Cain
Engineering and Operations Director