

Phase Adjustment Waiver for KTFN  
El Paso, TX Facility ID 68753

EXHIBIT SUPPORTING WAIVER  
OF PHASE ASSIGNMENT, TESTING PERIOD, AND PHASE COMPLETION DATE

Entravision Communications Corporation (Entravision), through its wholly-owned subsidiary, Entravision Holdings, LLC, is the licensee of Station KTFN(TV) and seeks a waiver of the post-Incentive Auction Transition Phase assignment, and corresponding testing dates and construction completion deadlines, for KTFN, El Paso (Facility ID No. 68753 (“Station”). Pursuant to the *Closing and Reassignment Public Notice*, Station has been assigned to Transition Phase 8, for which the Phase Completion Date is 3/13/2020. Entravision seeks to transition the Station early in phase 2, with expected transition completion on 4/12/2019.

The *Transition Scheduling Adoption Public Notice* permitted stations to propose “alternative transition solutions that could create efficiencies,” and held that a request to modify a station’s transition deadline — including by moving to an earlier phase — would be viewed favorably if the request is “otherwise compliant with [FCC] rules and [has] little or no impact on the phase assignments or transition schedule.”<sup>1</sup> As demonstrated below, Entravision’s instant request qualifies for such favorable treatment.

The FCC may grant a waiver for good cause shown.<sup>2</sup> A waiver is appropriate where the

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<sup>1</sup> *Incentive Auction Task Force and Media Bureau Adopt A Post-Incentive Auction Transition Scheduling Plan*, MB Docket No. 16-306 and GN Docket No. 12-268, 32 FCC Rcd 890, 913 ¶ 51 (MB 2017) (*Transition Scheduling Adoption Public Notice*), citing *Incentive Auction Task Force and Media Bureau Seek Comment on Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 31 FCC Rcd 10802 (MB 2016) (*Transition Scheduling Proposal Public Notice*).

<sup>2</sup> 47 C.F.R. § 1.3.

particular facts make strict compliance inconsistent with the public interest.<sup>3</sup> In considering a waiver, the FCC may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>4</sup> Such a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.<sup>5</sup>

As demonstrated herein, good cause exists for waiver of the assigned Transition Phase and its attendant testing and completion dates because it will serve the public interest by facilitating an orderly and efficient transition to more swiftly deliver new wireless broadband services to the public while minimizing impacts on broadcast television viewers and post-auction transition resources. Specifically, if Station is permitted to complete its transition early, T-Mobile a winning 600 MHz wireless licensee will be able to deploy new competitive wireless broadband service to people of the El Paso market up to 11 months earlier than scheduled.

Interference. The Station has undertaken an engineering analysis (see attached interference analysis from du Treil, Lundin, & Rackley, Inc.) to determine that no new interference will be created or received by the proposed early transition of the Station beyond the permissible 0.5% rounding level of interference allowed by the FCC.

The Station is not part of a linked station set, and the early transition will not create a new linked station set.

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<sup>3</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>4</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

<sup>5</sup> *Northeast Cellular*, 897 F.2d at 1166.

Impacts to Transition Plan. Under the Transition Plan, all TV stations in the El Paso DMA are scheduled for the same transition phase (i.e., a single rescan is scheduled). All three stations are seeking a waiver with a new deadline of April 12, 2019. Grant of the proposed early transition of Station will not result in an increase in the number of rescans. The Commission has determined, however, that up to two non-sequential rescans will serve the goals of efficiently clearing DMAs while minimizing viewer disruption.<sup>6</sup> Because the proposed early transition will still be within the maximum of two rescans deemed to be in the public interest, grant of the instant waiver is appropriate.

KTFN is collocated on the same tower as KTDO and KSCE that are also seeking to transition early in phase 2 as part of an agreement with T-Mobile. Allowing KTFN to transition with KTDO and KSCE would allow the three stations to use a single tower crew. Additionally, the majority of the work is anticipated during the winter months of Texas in a favorable weather environment, compared to other markets in northern climates. Vendor letters documenting the availability of resources are included with this waiver application.

Impact to Viewers. Entravision believes any disruption to viewers will be minimal. Under this waiver request, three stations are seeking to repack in phase 2 in the El Paso DMA. Both other stations, KTDO and KSCE, also have an agreement with T-Mobile and are seeking a waiver with a new deadline of April 12, 2019 (Phase2). Grant of the proposed early transition of these three Stations will not increase the total number of times a viewer may need to rescan equipment in order to receive these stations in the El Paso market.

KTFN will complete the transition using its final, permanent, transmission facilities as provided in the construction permit granted on 4/19/18. KTFN does not anticipate needing to utilize

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<sup>6</sup> *Transition Scheduling Adoption Public Notice*, at ¶ 21.

auxiliary facilities past the phase 2 transition deadline if a waiver is granted.

MVPD Notification. Finally, Entravision will start to take the necessary actions to ensure all impacted MVPDs are notified of the impending channel change at least 90 days prior to actual change.

In sum, grant of this waiver will facilitate a more effective and efficient implementation of the overall policy goals of the Incentive Auction and post-auction transition, and thus is in the public interest.