Request for Waiver of Contingent Applications Rule

Call Sign: W43CX-D

Facility ID: 184026

Applicant respectfully submits this request for a waiver of the FCC's "contingent applications" rule.[1]

Applicant has used *TVStudy* to identify Channel 25 as an available channel for the station's proposed displacement facility. Applicant's proposed displacement channel is either a channel voluntarily relinquished by a License Relinquishment Station, Channel Sharing Station or Band Changing Station, or a pre-auction channel of a Reassigned Station. Applicant therefore requests a waiver of the contingent applications rule as allowed for under the *Special Displacement Window Public Notice*.[2]

The Commission may waive any provision of its rules on its own motion or if an applicant shows good cause for a waiver.[3] Granting Applicant's waiver request will serve the public interest without resulting harm to the current licensee of Channel 25. The FCC has recognized that allowing eligible stations to apply for pre-auction channels in the repacked television band that full power and Class A stations will relinquish through the incentive auction and repacking process will "ensure that as many potential channels as possible are available for operating LPTV/translator stations that are subject to displacement . . . ."[4] Applicant agrees not to begin transmitting on Channel 25 prior to discontinuation of operation by WQEP-LD, which is currently licensed to use the channel.[5]

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1 *See* 47 C.F.R. § 73.3517.

2 *See Incentive Auction Task Force and Media Bureau Announce Post-Incentive Auction Special Displacement Window April 10, 2018, through May 15, 2018, and Make Location and Channel Data Available*, Public Notice, DA 18-124 ¶ 7 (IATF & MB Feb. 9, 2018) ("*Special Displacement Window Public Notice*").

3 47 C.F.R. §§ 1.3.

4 *Special Displacement Window Public Notice* ¶ 7.

5 *See* 73.3700(g)(2).