

EXHIBIT 1
(Request for Waiver/Change of Phase Assignment from Phase 4 to Phase 5)

KSTC-TV, LLC (“Licensee”), the licensee of KSTC-TV, Minneapolis, Minnesota, Facility ID No. 35843 (the “Station”), hereby respectfully requests a change to its post-Incentive Auction transition phase assignment for the Station, including its corresponding testing dates and construction completion deadlines.¹ Currently, the Station is assigned to change from Channel 45 to Channel 30 during Phase 4 of the post-Incentive Auction transition, which is scheduled to end on August 2, 2019.² Because construction of its post-transition facility has been further delayed by circumstances beyond its control, Licensee now requests re-assignment of the Station to the next transition phase (Phase 5), although the Licensee intends to use all reasonable efforts to commence operations on Channel 30 (and terminate all operations on Channel 45) as quickly as possible upon receipt of its new Channel 30 antenna, which, per the manufacturer, is currently expected to arrive at the Station’s tower site as of August 15, 2019.

As noted, the Station is currently licensed to broadcast on Channel 45 from a very tall tower shared with numerous other broadcasters. As previously detailed to the Commission, the Licensee has been diligently working toward completion of its required repack, including arranging for tower and transmitter crews, coordinating with other users of the tower, ordering and receiving necessary equipment, and taking other steps in order to meet its current deadline. At this time, all work predicate to the installation of the permanent Channel 30 antenna has been completed, except that the antenna manufacturer has not yet been able to deliver the antenna, as set forth in the attached letter.³ As that letter also notes, the antenna and tower crew necessary to complete construction are now expected to be on site as of August 15, 2019. Once the antenna and tower crew are on site, and barring any severe weather or other unforeseen issues, the Licensee expects to be able to commence operations on Channel 30, and cease operations on Channel 45, within eight days. Accordingly, any delay to the Station’s ultimate transition is expected to be much more limited than the September 6, 2019 deadline applicable to Phase 5.

In the *Transition Scheduling Adoption Public Notice*,⁴ the Commission anticipated that there would be circumstances in which a station may require a waiver of or change in its planned transition phase, including authority to continue to broadcast on its current channel. The Commission indicated that it would consider these requests on a case-by-case basis, subject to its

¹ Although the Legal STA form in the online LMS system apparently defaults to the Station’s auxiliary facility, this request is intended for the Station’s entire current facility (main and auxiliary).

² See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (¶ 64) (MB & WTB 2017) (“*Closing and Channel Reassignment Public Notice*”). See also FCC File No. 000073779 (the “May STA Request”) (approving a change in the Station’s phase to Phase 4 due to unforeseen delays in tower construction).

³ See Letter from Bill Harland, Vice President of Marketing, Electronics Research, Inc. (“ERI”) to Ed Smith, Director of Engineering, KSTC-TV (dated July 19, 2019) (attached).

⁴ *Incentive Auction Task Force and Media Bureau Adopt Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 32 FCC Rcd 890 (MB 2017) (“*Transition Scheduling Adoption Public Notice*”).

general waiver standard,⁵ by evaluating the impact on other broadcasters, viewers and the transition schedule.⁶

Based on these and other relevant considerations, the proposed change in the Station's proposed transition is consistent with the public interest. With respect to the transition schedule, the Station is not part of a linked set and does not require coordination with any other station to complete its transition. Because the Station currently broadcasts in the 600 MHz band, a delay in its transition will not create a new linked station set. The Station's current channel – Channel 45 (*i.e.*, 656-662 MHz) – also lies entirely within the planned duplex gap, which should further limit any impact on the transition. Moreover, the further change will not require an additional re-scan in certain portions of the DMA beyond what the FCC has already approved in the May STA Request.⁷ Nonetheless, in order to minimize any viewer confusion, the Licensee will continue to take additional steps beyond standard viewer and MVPD notification requirements, including additional crawls and other notifications during its local news programs as well as additional guidance on its website, in order to assist its viewers. Finally, as noted, the proposed delay is expected to be complete within three weeks of the Station's current Phase 4 deadline, based on the most recent information provided by ERI.

Conversely, rejection of the proposed transition phase change will significantly impact viewers that look to the Station for its MeTV, This TV, Antenna TV and other content, including its local news and weather programming. The Station is using its licensed auxiliary antenna to broadcast on Channel 45 during work on its main facility, and it does not have an interim facility readily available to broadcast its current programming without disruption while the work required to transition the Station's main facility is completed. Accordingly, without the proposed change in transition phase, the Station will be forced to go off-air as of August 2 and will need to obtain a new construction permit or other FCC authorization in order to complete its transition to Channel 30. In light of these considerations, and because the Station is ready to complete construction as soon as ERI delivers the planned antenna and tower crew, the requested change for the Station from Phase 4 to Phase 5 is consistent with the public interest.

⁵ See, e.g., *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); 47 C.F.R. § 1.3 (“Any provision of the rules may be waived by the Commission . . . if good cause therefor is shown.”)

⁶ *Transition Scheduling Adoption Public Notice* (¶¶ 49-51).

⁷ Based on the Post Incentive Auction Television Transition Data Files (as available on the FCC's transition website), the Minneapolis-St. Paul DMA has only two independent full-power stations being repacked, the Station and KPXM-TV, St. Cloud, which already transitioned during Phase Zero. See, e.g., https://data.fcc.gov/download/incentive-auctions/Current_Transition_Files/ (Phase Assignment) (last viewed on May 29, 2019). (The only other TV station listed as being repacked within the DMA is a satellite station, KSAX(TV), assigned to Alexandria, Minnesota, and which also has completed its transition.)