



Federal Communications Commission
Washington, D.C. 20554

January 30, 2020

Word of God Fellowship, Inc.
3901 Highway 121
Bedford, TX 76021

Re: Requests for Extension of
License and Silent Authority Under
Section 312(g)
WDRN-LD, Fayetteville, NC
WHWD-LD, Statesville, NC
WETU-LD, Montgomery, AL
LMS File Nos. 0000096017,
0000093752 and 0000093650
Facility ID Nos. 68079, 67958 and
63859

Dear Licensee:

This concerns the above-referenced requests to reinstate and extend license and silent authority (Requests) filed by Word of God Fellowship, Inc. (WOGF), licensee of low power television stations WDRN-LD, Fayetteville, North Carolina (WDRN-LD); WHWD-LD, Statesville, North Carolina (WHWD-LD); WETU-LD, Montgomery, Alabama (WETU-LD) (collectively Stations). For reasons set forth below, we grant the requests, waive all applicable rules, reinstate and extend the Stations' licenses and silent authority for a period of 180 days from the date of this letter.

Background. Section 312(g) provides that "[i]f a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license...for any reason to promote equity and fairness."¹ In the *Incentive Auction R&O*, the Commission explained that it would be receptive to requests for reinstatement or extension of a station's license under Section 312(g), "tak[ing] into account the extent to which a station has been involuntarily forced to remain dark as a result of the repacking process and whether, in light of the facts presented, equity and fairness dictate a license extension or reinstatement and a waiver."² Further, in the *Post-Incentive Auction Procedures PN* the Media Bureau stated that, in considering requests to extend or reinstate a stations license under Section 312(g) in order to promote fairness and equity, it "will examine whether the station has demonstrated that its silence is the result of compelling reasons beyond the stations' control, including facts that relate to the post-auction transition process."³ Finally, in the *Special Displacement Window PN*,

¹ 47 U.S.C. § 312(g).

² *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6806-07, para. 585 (2014) (*Incentive Auction R&O*).

³ *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 873-74, para. 49 (IATF/MB 2017) (*Post-Incentive Auction Procedures PN*); see also *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction*

the Bureau permitted stations to file a displacement application on a contingent basis for channels in the repacked television band (channels 2-36) that full power and Class A stations would be relinquishing as a result of the incentive auction and repacking process.⁴ The Bureau stated that, if a conditional grant would require an LPTV or TV translator station to be silent for a consecutive 12-month period prior to discontinuation of operation by the full power or Class A station, the Bureau would “consider a request for extension or reinstatement pursuant to Section 312(g) of the Communications Act and a request for waiver of the Commission rule.”⁵

Request. In its Requests, WOGF notes that, as part of the incentive auction and repacking process, the Stations were displaced and subsequently went silent.⁶ WOGF states that it has worked diligently since then to find suitable displacement channels and construct the Stations’ displacement facilities. Although WDRN-LD had a construction permit to move to channel 32, WOGF explains that full power television stations WUNL-TV and WITN-TV were still broadcasting on channel 32 as their pre- auction channels and were not scheduled to vacate those channels until September 2019. WOGF continues that WDRN-LD’s transition to its displacement channel was further stalled by delays in receiving its new transmitter and antenna due to the short processing time and the volume of orders for displacement facilities. WOGF reports that WDRN-LD recently resumed operations at reduced power.⁷

For WHWD-LD, following grant of the station’s displacement application, WOGF discovered that its tower site did not have an associated building to hold the equipment necessary to operate WHWD-LD and it would not be practical to construct one. Therefore, WOGF had to find a new tower site. WOGF has filed an application to modify its displacement construction permit and expects to commence operations from its new tower site by the end of February 2020.

With respect to WETU-LD, the station’s displacement facilities were to be located on the tower structure of full power station WCOV-TV, Montgomery, Alabama, a station repacked in the incentive auction. However, due to a last minute change in that station’s transition plan, WETU-LD will not be able to mount its antenna on the tower until WCOV completes its transition which is not scheduled to occur until March 2020. Once WCOV’s transition is complete, WETU-LD can mount its antenna and begin operating on its displacement channel.

Therefore, WOGF requests waivers of Section 312(g), reinstatement and extension of its Stations’ licenses and silent authority for an additional 180 days.

Discussion. Upon review of the facts and circumstances presented, we find that WOGF’s requests for waiver of Section 312(g) and to reinstate and extend the Stations’ licenses for a period of 180 days from the date of this letter satisfies the requirements of Section 312(g) as described in the *Incentive Auction R&O*, the *Post-Incentive Auction Procedures PN*, and the *Special Displacement Window PN*, and

Transition Requirements and Deadlines, Public Notice, 33 FCC Rcd 8240, 88243, n.25 (MB/IATF 2018) (citing *Christian Broadcasting of East Point, Inc.*, 30 FCC Rcd. 13975, 13976-77, para. 4 (2015)).

⁴ 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, 33 FCC Rcd 1234, 1237, para. 7 (IATF/MB 2018) (*Special Displacement Window PN*).

⁵ *Id.* at n.25 citing 47 U.S.C. § 312(g); *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction Transition*, Public Notice, 32 FCC Rcd 3860, 3865-66, para. 12 (IATF/MB 2017).

⁶ WHWD-LD went silent on March 1, 2018 and WDRN-LD and WETU-LD went silent on October 1, 2018.

⁷ See LMS File No. 0000095954.

is in the public interest. Consistent with the public interest, we will provide Section 312(g) relief, including reinstatement of a station's license, to displaced LPTV and TV translator stations that are forced off the air by circumstances beyond their control.⁸ The Stations were displaced by the incentive auction and repacking process and took steps to identify an engineering solution to return the Stations to the air in a timely manner. Therefore, due to circumstances outside its control, the Stations were unable to return to the air prior to the one-year anniversary of going silent. WDRN-LD has already resumed operations and WOGF pledges to resume operations for the remaining stations on their new channels. Grant of waivers of Section 312(g) will allow the Stations to return to the air and once again serve their viewers.

Accordingly, we find that in order to promote fairness and equity the requests filed Word of God Fellowship, Inc. **ARE HEREBY GRANTED**, the applicable Commission rules ARE WAIVED,⁹ and the licenses for WDRN-LD, Fayetteville, North Carolina; WHWD-LD, Statesville, North Carolina; WETU-LD, Montgomery, Alabama **IS REINSTATED AND EXTENDED** for 180 days from the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara A. Kreisman', with a stylized flourish at the end.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Ari Meltzer, Esq.

⁸ See *V.I. Stereo Communications Corp.*, 21 FCC Rcd. 14259 (2006) (granting a request to reinstate a station's license when the station's tower had been destroyed by a hurricane and after it was rebuilt, again sustained substantial damage from three more hurricanes); *Community Bible Church, Letter*, 23 FCC Rcd 15012, 15014 (MB 2008) (reinstatement warranted where licensee took all steps needed to return to air, but remained off air to promote air safety after discovering and reporting that FCC and FAA records contained incorrect tower information); *Mark Chapman, Court-Appointed Agent, Letter*, 22 FCC Rcd 6578 (MB 2007) (reinstatement warranted where extended silence resulted from licensee's compliance with a court order).

⁹ 47 CFR §§ 74.15(f) and 74.763(c).