



Federal Communications Commission
Washington, D.C. 20554

March 24, 2020

Cayo Hueso Networks, LLC
P.O. Box 1471
Evergreen, CO 80437

Re: Request for Extension of
License and Silent Authority Under
Section 312(g)
WKIZ-LD, Key West, FL
LMS File No. 0000034954
Facility ID No. 4323

Dear Licensee:

This concerns the above-referenced request to reinstate and extend license and silent authority (Request), as amended, filed by Cayo Hueso Networks, LLC (CHN), licensee of low power television station WKIZ-LD, Key West, Florida (WKIZ or Station). For reasons set forth below, we grant the request, waive all applicable rules, reinstate and extend the Station's license and silent authority.

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*, 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

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 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*).

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 Request, CHN states that the Station’s channel 49 facilities were destroyed by Hurricane Irma and as a result the Station went silent June 1, 2017. Subsequently, those facilities were displaced as part of the Incentive Auction and repacking process. CHN submitted an application for displacement to channel 29 and that application was granted September 25, 2018.⁶ CHN began construction of its displacement facilities but construction was delayed due to delays in the delivery of its transmitter and scheduling of a tower crew. On February 4, 2020, the Station resumed operations on channel 29. CHN requests reinstatement and extension of the Station’s license pursuant to Section 312(g) of the Communications Act.

Discussion. Upon review of the facts and circumstances presented, we find that CHN’s request for reinstatement and extension of station license 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 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.⁷ WKIZ’s facilities were first destroyed by hurricane and were later displaced by the incentive auction and repacking process and CHN took steps to diligently construct its displacement facilities. Therefore, due to circumstances outside its control, WKIZ was unable to return to the air prior to the one-year anniversary of going silent but has now done so.

Accordingly, we find that in order to promote fairness and equity the request filed Cayo Hueso Networks, LLC **IS HEREBY GRANTED**, the applicable Commission rules ARE WAIVED,⁸ and the license for WKIZ-LD, Key West, Florida **IS REINSTATED AND EXTENDED**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

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 See LMS File No. 0000053979.

⁷ 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).

⁸ 47 CFR §§ 74.15(f) and 74.763(c).

cc (via electronic mail): James M. Talens, Esq.