

Request for Waiver of 47 U.S.C. § 312(g)

HC2 Broadcasting Licensee Inc., licensee of WDID-LD (Fac. Id. No. 191242) (the “Station”), hereby amends its pending request for a License to Cover (LMS File No. 0000106516) and respectfully requests that the FCC grant a waiver extending the twelve-month off-air period of 47 U.S.C. § 312(g).

The Station went silent on September 27, 2018 and filed the appropriate Special Temporary Authority (STA) for Silence (LMS File No. 0000060025). The Station also filed an STA extension request approximately six months later on March 25, 2019 (LMS File No. 0000068664), which was granted the following day on March 26, 2019. The licensee worked diligently to resume operations by the Station’s 312(g) deadline of September 27, 2019. The conditions to resume normal operations prior to the 312(g) date were beyond the control of the licensee. The Station’s channel was displaced by full power WTGS which was placed in Phase 7 of the Repack schedule with a Phase Transition Date of January 17, 2020. The Station therefore, had to participate in the Special Displacement Window, with a final Displacement Construction Permit granted on October 22, 2019 (LMS File No. 0000085905). The Station worked diligently with tower owners to facilitate construction despite major power and electrical concerns at the tower site. Additionally, the Station was required to receive Federal Aviation Administration (FAA) approval, which usually takes on average 30 days to receive, but was received almost 60 days after the request was submitted. Final FAA approval and subsequent Notice to Proceed (NTP) from the tower owner was not received until December 12, 2019. The Station experienced continued delays due to the unavailability of riggers to complete the installation of the antenna and new line. After identifying available riggers, the Station was able to complete construction on February 24, 2020 and immediately filed a License to Cover.

Given the irretrievable investments that the licensee has already made in constructing the Station, and given that the build for this Station was complete, the licensee respectfully submits that the Media Bureau is justified in granting this waiver request. Section 312(g) provides that “If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then...the Commission may extend or reinstate such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness.”¹ Thus, the Media Bureau has the authority to extend the Station’s license “for any...reason to promote equity and fairness” and, the facts and circumstances faced by the Station justify the Media Bureau to use such discretion in this case.

Exercise of the Media Bureau’s discretion in this case will also advance the public interest by preserving service to viewers in the Station’s community, ensuring that this community enjoys a diversity of free, over-the-air viewing options, with programming including Three Angels Broadcasting. For these reasons and those described above, granting this request is in the public interest.

¹ 47 U.S.C. § 312(g).