

KPIF(DT) Waiver Request

Ventura Media Communications, LLC, the licensee of KPIF(DT), Pocatello, ID (Facility ID #86205), hereby respectfully requests a waiver of Section 73.3539 of the FCC's rules to accept this late-filed renewal of license application as well as a request for waiver of 47 U.S.C. § 301 for its inadvertent operation of the station after its license authorization had expired without authorization.

Ventura Media purchased television station KPIF on March 30, 2018. Unbeknownst to Ventura Media¹, KPIF was the subject of a two-year short-term renewal imposed as part of a June 2, 2017 Consent Decree entered into by the former licensee of the station and the FCC. The KPIF renewal was granted on July 10, 2017. As such, the license expired without a renewal being filed by 7/10/2019.

Ventura Media only became aware of the short term renewal and, indeed, the fact that the KPIF license had expired, when contacted by the FCC staff after 6:00 p.m. on March 5, 2020. Ventura Media responded immediately to the FCC staff about the need to file a renewal but was advised that the TV renewal form was not yet available.² Ventura Media filed a request for special temporary authority to operate KPIF on March 6, 2020 (See LMS File No. 0000107277). Ventura did its best to comply with its pre-filing announcements given that it was unclear precisely when television renewal application form would be made available. It timely uploaded certification of the pre-filing announcements to its online public file within seven days of the date of the last announcement.

Ventura Media takes its FCC responsibilities very seriously and believes that it has, in all material respects, complied with the FCC's rules and regulation since it became the licensee of KPIF in late March 2018. As reflected in the renewal application to which this waiver request is attached, it timely filed its ownership report, children's television reports, issues/programs lists, maintained its online public file, etc.

In light of its conscientious efforts to comply with its FCC obligations, its immediate response to the FCC staff on learning of the expiration of the renewal, the fact that Ventura Media has a history of compliance, its reliance on the renewal authorization available in the FCC's records which showed a full term renewal, Ventura Media respectfully requests waiver of its late filing and of its operation without a valid authorization. Finally, Ventura Media respectfully argues that given the instant circumstances, any fine authorized by the FCC's Forfeiture Policy Statement and Section 1.80(b)(4) of the Rules³ for such violations should be waived.

¹ While current FCC counsel for Ventura Media was not its counsel at the time that Ventura Media purchased KPIF, current counsel reviewed the renewal authorization in the FCC's CDBS system shortly after being hired January, 2019. That renewal authorization reviewed (copy attached), which still existed in CDBS as of the date the FCC staff notified Ventura Media that its license was expired, and still exists today, reflects renewal for a full term through 10/01/2022. Ventura Media did rely on that authorization.

² Informal advice from the FCC given to Ventura Media was that the new form would be available by the beginning of April. The form became available on April 20, 2020.

³ See Forfeiture Policy Statement and Amendment of Section 1.80(b) of the Rules to Incorporate the Forfeiture Guidelines, Report and Order, 12 FCC Rcd 17087, 17113-15 (1997) ("Forfeiture Policy Statement"), recon. denied, 15 FCC Rcd 303 (1999); 47 C.F.R. § 1.80(b)(4)