



Federal Communications Commission
Washington, D.C. 20554

April 9, 2020

Ventana Television, Inc.
John Collinson
One HSN Drive
St. Petersburg, FL 33729

Re: Request for Extension of
License and Silent Authority Under
Section 312(g)
K25FW-D, Corsicana, TX
LMS File No. 0000086945
Facility ID No. 42342

Dear Licensee:

This concerns the above-referenced request to extend silent authority and license (Request) filed on April 8, 2020, by Ventana Television, Inc. (VTI), licensee of low power television station K25FW-D, Corsicana, Texas (K25FW or Station). For reasons set forth below, we grant the request, and extend the Station's silent authority, waive all applicable rules, and extend the Station's license for a period of 180 days from the date of this letter.

Background. Section 312(g) of the Communications Act 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

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)).

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. As part of the incentive auction and repacking process, K25FW’s channel 25 was displaced by KPXD-DT, that was repacked to channel 25. As a result, K25FW has been silent since April 12, 2019.⁶ K25FW timely filed a displacement application requesting a construction permit for channel 7 on May 31, 2018, in the Commission’s displacement application filing window for low power television stations that were displaced by the incentive auction and repacking process.⁷ The Media Bureau determined that K25FW’s displacement application for channel 7 was mutually exclusive with three other applications filed by: K31MU-D, Lingleville-Crowley, Texas; K31GL-D, De Soto, Texas; and KVFWD-LD, Fort Worth, Texas; and as a result, the Station was placed in MX Group 60 (MX 60).⁸ An opportunity to resolve mutual exclusivity through settlement or technical modification of the engineering proposals was provided and the stations submitted an interference agreement whereby they agreed to accept interference from each other, thus resolving their mutual exclusivity. K25FW’s application for channel 7 was granted on January 15, 2019.

Since the grant of its displacement application, VTI reports that it is working through a number of complex issues to resolve the mutual interference between K25FW and the other stations. Unfortunately, VTI continues, the parties have not yet reached agreement on a resolution of those issues and K25FW is not yet able to return to broadcast operations on channel 7. In addition, VTI states that, due to COVID-19 pandemic and Texas Executive Order GA-14 which directs Texans to minimize in-person contact, it is not possible to get crews to K25FW to accomplish the changes required to complete construction of the channel 7 facility. Once these above-mentioned issues are resolved, VTI states that it intends to complete construction of its displacement facility as expeditiously as possible. VTI concludes that good cause exists for the Commission to exercise its discretion to extend K25FW’s license and silent authority beyond the one-year automatic expiration date to preserve this station so that it can provide service in the public interest.

Discussion. Upon review of the facts and circumstances presented, we find that K25FW’s request for extension of the Station’s license and silent authority for a period of 180 days from the date of this letter satisfy the requirements of Section 312(g) as described in the *Incentive Auction R&O*, the

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 See LMS File No. 0000072064.

⁷ See LMS File No. 0000054800; *Special Displacement Window PN; Incentive Auction Task Force and Media Bureau Extend Post Incentive Auction Special Displacement Window Through June 1, 2018*, Public Notice, 33 FCC Rcd 3794 (IATF/MB 2018).

⁸ See *Incentive Auction Task Force and Media Bureau Announce Settlement Opportunity for Mutually Exclusive Displacement Applications Filed During the Special Displacement Window: October 30, 2018 to January 10, 2019*, Public Notice, 33 FCC Rcd 10748, (MB/IATF, rel. Oct. 30, 2018).

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 to displaced LPTV and TV translator stations that are forced off the air by circumstances beyond their control. K25FW was displaced by the incentive auction and diligently pursued a new displacement channel. Therefore, due to circumstances outside its control, K25FW has been unable to return to the air prior to the one-year anniversary of going silent.

Accordingly, we find that in order to promote fairness and equity the request filed by Ventana Television, Inc. **IS HEREBY GRANTED**, the applicable Commission rules **ARE WAIVED**,⁹ and the license and silent authority for K25FW-D, Corsicana, Texas **ARE EXTENDED** for 180 days from the date of this letter.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Gregg P. Skall, Esq.

⁹ 47 CFR §§ 74.15(f) and 74.763(c)