

**W22FB-D**  
**LICENSE RENEWAL EXHIBIT**

*Adherence to Minimum Operating Schedule and Adherence to Operational Parameters*

The applicant has responded in the negative to the certifications that state: “Licensee certifies that during the preceding license term the station has not been silent (or operating for less than its prescribed minimum operating hours) for any period of more than 30 days,” and “Licensee certifies that during the preceding license term, the station has operated pursuant to authorized operating parameters, either pursuant to the terms of its license, special temporary authority, or as otherwise permitted under the Commission’s rules.” Accordingly, the applicant provides the following additional information as to “the exact dates on which the station was silent or operating at less than its prescribed minimum operating schedule” and the surrounding context.

On October 18, 2019, the applicant’s TV translator W51EE-D (now W22FB-D) was forced to go silent as a result of the commencement of operations by a 600 MHz wireless licensee who determined that W51EE-D was predicted to cause interference to the wireless licensee’s operations. Several months later, after constructing a reduced power interim facility for Channel 22 operations (i.e., to accommodate the transition of W51EE-D to W22FB-D) and in the course of preparing a technical STA request to commence such interim operations, it was discovered that the applicant had earlier (i) failed to notify the Commission within 10 days that W51EE-D went silent and (ii) subsequently failed to seek a Silent STA once it became apparent that the facility would be silent for more than 30 days. Accordingly, the applicant requested—and the Commission granted—a Silent STA for W51EE-D / W22FB-D on a *nunc pro tunc* basis (*see* LMS File No. [0000109765](#)).

As explained more fully in the [Exhibit](#) accompanying the applicant’s Silent STA request (which Exhibit the applicant incorporates herein by reference), multiple factors converged to cause the belated filing of the Silent STA request. Among other things, despite various technical setbacks the licensee was prepared and planned to transition to Channel 22 operations before W51EE-D had reached 30 days of silence. However, equipment shipping delays and malfunctions—along with the applicant’s repacking of 11 of its 12 full-power television stations and relocation of more than half of its two-dozen TV translators, which were displaced by new 600 MHz wireless licensees or repacked television stations—rendered the applicant unable to successfully transition to Channel 22 operations until several months later. Ultimately, the licensee was so focused on transitioning W51EE-D and the multitude of other technical issues, scheduling needs, vendor coordination, and deadlines it was experiencing with over 20 of its nearly three-dozen other stations that it lost track of the deadline by which to file W51EE-D’s Silent STA request.

It is for those reasons that the applicant requested *nunc pro tunc* treatment of its subsequently filed and granted Silent STA request. And it is for those same reasons that the applicant now respectfully requests the same treatment within the context of this license renewal application. The applicant respectfully submits that, under the particular circumstances at issue here, the isolated belated filing of the Silent STA request neither adversely affects the applicant’s qualifications as W22FB-D’s licensee nor warrants enforcement action. *See, e.g., Application of Tea-Visz, Inc.,*

Memorandum Opinion and Order, Notice of Apparent Liability For Forfeiture, 32 FCC Rcd 10204, ¶ 9 (2017) (determining that failure to follow silent station procedures did “not constitute a material failure to serve the public interest under Section 309(k)(1) of the Act or warrant a fine”; forfeiture proposed for other rule violations); *Hometown Media, Inc.*, Summary Decision of Administrative Law Judge, 11 FCC Rcd 11413, 11417 (1996) (determining that three months of inadvertent, unauthorized silence was a “short duration and not a deliberate flouting of the Commission’s Rules,” and therefore granting renewal with no enforcement action or other adverse consequences).

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