

**REQUEST FOR WAIVER OF NOTIFICATION PROVISIONS OF  
SECTION 73.6028(g)(4) OF THE COMMISSION'S RULES**

By the instant application, Entravision Holdings, LLC ("Entravision"), the licensee of Station WMDO-CD, Washington, D.C. (FIN: 38437), and ACC Licensee, LLC ("ACC"), the licensee of Station WDCO-CD, Woodstock, Virginia (FIN: 57905), are jointly requesting that the Commission waive the 90-day advance notification provisions of Section 73.6028(g)(4) in connection with the proposed initiation of a channel sharing arrangement for Channel 24. By the instant application, WMDO-CD is requesting authority to enter into this channel sharing arrangement.

Entravision and ACC are presently parties to a channel sharing arrangement, involving ACC's Station WIAV-CD (Channel 30), Washington, D.C. (FIN: 168063). These parties have agreed to a change in this arrangement, whereby the channel sharing will relocate from WIAV-CD to WDCO-CD. The Commission has agreed to the termination of the WIAV-CD channel sharing arrangement, in LMS No. 0000129975. Now, as the second step, the WDCO-CD channel sharing arrangement is being requested by WMDO-CD. WDCO-CD is not currently engaged in channel sharing and will be separately requesting authority to engage in channel sharing.

The plan to switch the channel sharing arrangement among these three stations reflects the facts of the ownership and operation of the stations. The two sharer stations are owned by one licensee and the single sharee station is owned by another licensee. Thus, they are able to coordinate the channel sharing termination and commencement process among themselves. In addition, the two sharer stations are located at the same transmitter site, requiring no site relocation and minimal installation efforts. These two parties, who are fully invested in the

channel sharing arrangements, will be able to carry out a seamless migration of WMDO-CD's sharee operations upon an expected forthcoming approval of the Commission.

Section 73.6028(g)(4) of the Commission's Rules provides that the sharer and sharee stations proposing to initiate a channel sharing arrangement, must notify affected cable operators at least 90 days in advance of the expected initiation date. The parties submit that, as it will show herein, there is ample reason, based on the unique circumstances of this case, for the Commission, pursuant to Section 1.3 of the Commission's Rules, to waive the 90-day requirement in this particular instance.

The unique circumstances reflect that the 90-day notice services to provide affected cable operators with sufficient time in which to make the required changeover in their operations. This need for advance notice was suggested by an MVPD to the Commission in order "to avoid possible disruptions in service." *Channel Sharing by Full Power and Class A Stations Outside the Broadcast Television Spectrum Incentive Auction Context*, 32 FCC Rcd 2664 n. 168 (2017). That risk of disruption is not present here and, thus, a waiver would be appropriate.

The WMDO-CD broadcast signal is delivered to the affected cable operators by fiber optic cable from the transmitter site that is not changing. As for the cable operators, they will not have to make any changes themselves since WMDO-CD is fiber delivered. WMDO-CD, a Class A station, is not a must-carry signal and channel positioning is subject to an agreement which is already in existence and will continue forward. Finally, there will be no change in programming and so the cable operators will not have to make any changes to their guides or the information that they have to deliver to the public pursuant to Section 76.1603 of the Commission's Rules.

In sum, owing to the good cause shown, there is no need for a 90-day cable operator notice in this particular instance and a waiver of that provision is warranted and will not cause

any harm to the cable operators, the subscribing public or the public interest. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

Consequently, Entravision and ACC respectfully request a waiver of the 90-day cable operator notification requirement as it relates to the initiation of the channel sharing arrangement between sharer Station WDCO-CD and sharee Station WMDO-CD on Channel 24.