

**Sarkes Tarzian, Inc.
Request for Extension of Silent STA and
Extension of License Under Section 312(g)
K40JV-D (FCC Facility ID No. 167159)**

Request for Extension of STA to Remain Silent and for Extension of License Under Section 312(g)

Background

Sarkes Tarzian, Inc. (“STP”), licensee of Station K40JV-D, Stateline, Etc., Nevada, Facility ID No. 167159 (the “Station”), hereby requests extension of its existing special temporary authority (“STA”) (FCC File No. 0000094002) for the Station to remain silent for an additional 180 days. STI also requests that a concurrent extension of the Station’s license under Section 312(g) of the Communications Act of 1934, as amended, be granted, in order to permit STI to complete work on the Station’s displacement facilities.¹

As a result of the Broadcast Incentive Auction, the Station was displaced because it was within the 600 MHz wireless spectrum. STI filed an LPTV Translator Displacement Application during the special displacement window (FCC File No. 0000054391). The Station suspended operations on November 25, 2019 due to being displaced. A silent STA was granted on December 23, 2019. Subsequently, STI filed a request for extension of silent STA on June 22, 2020 (FCC File No. 0000116405). That STA extension request remains pending.

STI’s plan to rebuild the Station is contingent on construction of a nearby building on which it planned to install its new facilities. The building was supposed to be completed in early summer 2020. Unfortunately, due to the COVID-19 pandemic, the timeline for the building is not on schedule and STI had been experiencing difficulties gathering updated information from the relevant stakeholders. STI was recently informed that the Tahoe Regional Planning Association has finally granted approval for the construction and construction will commence in the summer of 2021.

Request for STA Extension and Section 312(g) License Extension

Section 312(g) of the Communications Act of 1934, as amended, states as follows:

If a broadcasting station fails to transmit 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 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.²

¹ The Licensee also requests that any other applicable Commission rules be waived to the extent necessary to grant the relief hereby requested.

² 47 U.S.C. §312(g).

The Commission has stated that in considering requests for extensions under of Section 312(g) in the television repack context, it “will take 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.”³ Similarly, the Media Bureau has stated that in considering such requests, the Bureau “will examine whether the station has demonstrated that its silence is the result of compelling reasons beyond the station’s control, including facts that relate to the post-auction transition process.”⁴

The Station clearly has been forced to remain dark due to the post-auction transition process, because until it can operate on its post-repack Channel 16 facilities it would be operating in the 600 MHz spectrum. The circumstances preventing completion of construction of the displacement facilities are also clearly outside of STI’s control since construction has been further delayed due to the COVID-19 pandemic. A license extension under Section 312(g) would be consistent with the criteria set forth by the Commission and the Media Bureau for such extensions, as described above. It also would be consistent with extensions under Section 312(g) recently granted by the Bureau.⁵

For the reasons set forth above, STI asserts that an extension of STA for the Station to remain silent would serve the public interest. In addition, an extension under Section 312(g) of the Communications Act of 1934, as amended, to permit the Commission license for the Station to remain in effect until at least November 25, 2021 notwithstanding that it is silent, would promote equity and fairness and would also be in the public interest.

³ *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report & Order, 29 FCC Rcd 6567 (2014), at ¶585.

⁴ *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858 (IATF/MB 2017), at ¶49.

⁵ See, e.g., *Letter dated October 16, 2020 from Barbara A. Kreisman, Chief, Video Division, to Local Media TV Chicago, LLC* (granting Section 312(g) waiver on equity and fairness grounds where permittee was subject to unanticipated construction delays, including due to compliance with local building codes); *Letter dated October 16, 2020 from Barbara A. Kreisman, Chief, Video Division, to Sanford Broadcasting Group, Inc.* (granting Section 312(g) waiver on equity and fairness grounds where permittee was subject to unanticipated delays in receipt of equipment and in obtaining required local permits).