

K25FW-D, Corsicana, TX, Facility ID# 42342
Request For Extension Of Silent STA and
Extension of License Pursuant to 47 U.S.C. 312(g)

K25FW-D on channel 25 had to be shut down on 04/12/2019 due to complete failure of both air conditioning systems. KPXD-DT is now operating on Channel 25 and filed its post-repack license application File# 0000073172, on June 3, 2019, making impossible for K25FW-D to return to operations with its existing Channel 25 facilities.

Ventana Television Inc. (“Ventana”) management has worked diligently on the complex issues required to resolve the mutual interference between its Displacement Application and those of K31MU-D, K31GL-D and KVFW-LD as reflected in the mutual interference agreement formerly filed for the requested channel 7. Unfortunately, the parties have been unable to reach agreement on a resolution of those issues and K25FW-D is not yet able to return to broadcast operations.

Due to the inability to reach an agreement that would provide for a usable service on Channel 7 at its current location, on November 20, 2020, Ventana submitted an application to change to Channel 28 and relocate the station to Cleburne, Texas, File 0000126784, which remains pending. Following further discussions with Commission staff, on December 16, 2020, Ventana Television, Inc., pursuant to Section 1.3 of the Commission’s rules, submitted an application on paper for the same change of channel and location together with a request for waiver of the filing freeze in 25 FCC Rcd 15120 (MB 2010). That application was delivered by certified mail to the Office of the Secretary and its receipt has been acknowledged by staff. A copy is attached to this request.

Construction on the requested channel and Cleburne will not present any of issues. Ventana has arrangements for a tower and has selected the necessary equipment to be ready to rebuild quickly upon grant of 0000126784 or the attached application.

Therefore, Ventana Television Inc. seeks continued relief from section 74.763(b) in the form of a further an extension to its silent STA (0000072064) as most recently extended by File 0000122766, until action can be taken on the application to change channel and location.

In addition, for the reasons stated above, K25FW-D requests an extension of its license pursuant to 47 U.S.C. 312(g), beyond the one-year silent anniversary.

This application is in the public interest by enabling K25FW-D to return to normal broadcasting as soon as a new facility can be constructed.

An extension of the current silent STA is requested for a period of six months from the date of this application along with an extension of the K25FW-D license.



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December 16, 2020

VIA: US MAIL

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
45 L Street NE
Washington, DC 20554

Re: K25FW-D Application for Major Change of Channel and Location with Waiver Request

Dear Ms. Dortch:

Ventana Television, Inc., by its counsel, pursuant to Section 1.3 of the Commission's rules, herewith submits for filing an original and four copies of its application for a major change of channel and location for LPTV station K25FW-D together with a request for waiver of *Freeze on the Filing of Applications for New Digital Low Power Television and TV Translator Stations*, Public Notice, 25 FCC Rcd 15120 (MB 2010).

Should you have need of further information, kindly contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gregg P. Skall'.

Gregg P. Skall
of TELECOMMUNICATIONS LAW PROFESSIONALS PLLC

cc: Mark Colombo, Media Bureau
mark.colombo@fcc.gov



(DRAFT COPY - Not for submission)

Modification of a Licensed Facility for LPTV Station Application

File Number: | Submit Date: **12/15/2020** | Call Sign: **K25FW-D** | Facility ID: **42342** | FRN: **0006159552** | State:
Texas | City: **CORSICANA**
Service: **LPD** | Purpose: **Major Modification BLDTL-20110113ABK** | Status: **Saved** | Status Date: **12/09/2020** |
Filing Status: **Active**

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	Yes

Fees, Waivers, and Exemptions

Section	Question	Response
Waivers	Does this filing request a waiver of the Commission's rule(s)?	Yes
	Total number of rule sections involved in this waiver request:	
	Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	No

**Applicant
Information**

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
VENTANA TELEVISION, INC.	John Collinson ONE HSN DRIVE ST. PETERSBURG, FL 33729 United States	+1 (727) 872- 4210	JOHN.COLLINSON@HSN. NET	Corporation

Authorization Holder Name

Check box if the Authorization Holder name is being updated because of the sale (or transfer of control) of the Authorization(s) to another party and for which proper Commission approval has not been received or proper notification provided.

**Contact
Representatives
(3)**

Contact Name	Address	Phone	Email	Contact Type
JOHN COLLINSON <i>TECHNICAL REPRESENTATIVE</i> VENTANA TELEVISION INC.	Eric Yonkin 1 HSN DR ST PETERSBURG, FL 33729 United States	+1 (727) 872- 4210	john. collinson@hsn. net	Technical Representative
Gregg P Skall , Esq. . <i>Legal Counsel</i> Telecommunications Law Professionals PLLC	Gregg P Skall 1025 Connecticut Ave, NW Suite 1011 Washington, DC 20036 United States	+1 (202) 789- 3121	gskall@tlp.law	Legal Representative
Eric Yonkin <i>LEGAL REPRESENTATIVE</i> HSN	Eric Yonkin 1 HSN DR ST PETERSBURG, FL 33729 United States	+1 (727) 872- 7443	eric.yonkin@hsn. net	Legal Representative

Alien Ownership

Question	Response
1) Is the applicant a foreign government or the representative of any foreign government as specified in Section 310(a) of the Communications Act?	No
2) Is the applicant an alien or the representative of an alien? (Section 310(b)(1))	No
3) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2))	No
4) Is the applicant an entity of which more than one-fifth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any entity organized under the laws of a foreign country? (Section 310(b)(3))	No
5) Is the applicant directly or indirectly controlled by any other entity of which more than one-fourth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any entity organized under the laws of a foreign country? (Section 310(b)(4))	No
6) Has the applicant received a declaratory ruling(s) under Section 310(b)(4) of the Communications Act?	No
6a) Enter the citation of the applicable declaratory ruling by DA/FCC number, FCC Record citation, release date, or any other identifying information.	
7) Has there been any change in the applicant's foreign ownership since issuance of the declaratory ruling(s) cited in response to Question 6?	
7a) Enter the File or Docket Number of the Petition for Declaratory Ruling that the applicant has filed for its foreign ownership in connection with this application pursuant to Section 310(b)(4) of the Communications Act. It is not necessary to file a request for a foreign ownership declaratory ruling if the applicant attaches a showing that the requested authorization(s) is exempt from the provisions of Section 310(b)(4).	
8) Does the applicant certify that it is in compliance with the terms and conditions of the foreign ownership declaratory ruling(s) cited in response to Question 6?	
9) In connection with this application, is the applicant filing a foreign ownership Petition for Declaratory Ruling pursuant to Section 310(b)(4) of the Communications Act?	No

Basic Qualifying Questions

Section	Question	Response
Revoked Application	Has the Applicant or any party to this application had any FCC station Authorization revoked or had any application for an initial, modification or renewal of FCC station Authorization denied by the Commission?	No
State or Federal Convictions	Has the Applicant or any party to this application, or any party directly or indirectly controlling the Applicant, ever been convicted of a felony by any state or federal court?	No

Channel and Facility Information

Section	Question	Response
Facility ID	42342	
State	Texas	
City	Cleburne	
LPD Channel	28	

Antenna Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	Yes
	ASR Number	1056535
Coordinates (NAD83)	Latitude	32° 23' 08.9" N+
	Longitude	097° 21' 40.6" W-
	Structure Type	TOWER-A free standing or guyed struct
	Overall Structure Height	93.3 meters
	Support Structure Height	91.1 meters
	Ground Elevation (AMSL)	242.6 meters
Antenna Data	Height of Radiation Center Above Ground Level	83.8 meters
	Height of Radiation Center Above Mean Sea Level	326.4 meters
	Effective Radiated Power	15 kW

**Antenna
Technical Data**

Section	Question	Response
Antenna Type	Antenna Type	Directional Custom
	Do you have an Antenna ID?	No
	Antenna ID	
Antenna Manufacturer and Model	Manufacturer:	MCX
	Model	CS2030-5639-12 CP
	Rotation	310 degrees
	Electrical Beam Tilt	Not Applicable
	Mechanical Beam Tilt	Not Applicable
	toward azimuth	
	Polarization	Circular
Elevation Radiation Pattern	Does the proposed antenna propose elevation radiation patterns that vary with azimuth for reasons other than the use of mechanical beam tilt?	No
	Uploaded file for elevation antenna (or radiation) pattern data	
	Out-of-Channel Emission Mask:	Full Service

Directional Antenna Relative Field Values (Pre-rotated Pattern)

Degree	Value	Degree	Value	Degree	Value	Degree	Value
0	1	90	0.09	180	0.579	270	0.09
10	.977	100	0.09	190	0.562	280	0.103
20	0.9	110	0.111	200	0.499	290	0.18
30	0.786	120	0.19	210	0.418	300	0.344
40	0.656	130	0.266	220	0.346	310	0.502
50	0.502	140	0.346	230	0.266	320	0.656
60	0.344	150	0.418	240	0.19	330	0.786
70	0.18	160	0.499	250	0.111	340	0.9
80	0.103	170	0.562	260	0.09	350	0.977

Additional Azimuths

Degree	V _A
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**Parties to the
Application (23)**

Party Name	Address	Phone	Email	Positional Interest
Eve DeSoldo <i>General Counsel</i> HSN, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	eric.yonkin@hsn.net	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Larry R. Hayes <i>Director</i> HSN, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	eric.yonkin@hsn.net	Positional Interest: Director Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Michael A. George <i>Director</i> HSN, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	eric.yonkin@hsn.net	Positional Interest: DIR/OFF Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
John F. Misko <i>Treasurer</i> HSN, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	eric.yonkin@hsn.net	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Jeff Davis <i>EVP</i> HSN, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	jeff.davis@qvc.com	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%

Michael Fitzharris <i>President</i> HSN, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	mike.fitzharris@hsn. net	Positional Interest: Officer Citizenship: Percentage of Votes: 0% Percentage of Total Assets: 0%
Leslie Ferraro <i>CEO</i> HSN, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	leslie.ferraro@qvc. com	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
HSN Inc. HSN, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	eric.yonkin@hsn.net	Positional Interest: Parent Company Citizenship: United States Percentage of Votes: 100% Percentage of Total Assets: 100%
Joseph Micucci <i>VP</i> Ventana Television Holdings, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	joseph.micucci@qvc. com	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
David R. Caputo <i>SVP</i> Ventana Television Holdings, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	dave.caputo@qvc. com	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%

Eric Yonkin <i>Asst. Sec.</i> Ventana Television Holdings, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	eric.yonkin@hsn.net	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
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Paul Kearns <i>VP</i> Ventana Television, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	paul.kearns@qvc. com	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
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Larry R. Hayes <i>EVP/Director</i> Ventana Television, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	larry.hayes@qvc. com	Positional Interest: OFF/DIR Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
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John Misko <i>SVP/Director</i> Ventana Television Holdings, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	john.misko@qvc. com	Positional Interest: DIR/OFF Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
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Michael D. Fitzharris <i>President/Director</i> Ventana Television Holdings, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	mike.fitzharris@hsn. net	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
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Ventana Television Holdings, Inc. Ventana Television Holdings, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	eric.yonkin@hsn.net	Positional Interest: Holding Company Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
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Eric Yonkin <i>Asst. Sec.</i> Ventana Television, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	eric.yonkin@hsn.net	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
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David R. Caputo <i>SVP</i> Ventana Television, Inc.	1 HSN Drive St. Petersburg, FL 33729 United States	+1 (727) 872- 1000	david.caputo@hsn. com	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
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Attributable Interest

Section	Question	Response
Equity and Financial Interests	Applicant certifies that equity and financial interests not set forth by the applicant parties are non-attributable.	
Other Authorizations	Does the applicant or any party to the application have an attributable interest in any other broadcast station(s).	Yes

**Construction
Permit
Certifications**

Section	Question	Response
<p>Post-Incentive Auction Expedited Processing</p>	<p>It will operate on the DTV channel for this station as established in the post-incentive auction channel reassignment public notice.</p>	
	<p>It will operate post-incentive auction facilities that do not expand the noise-limited service contour in any direction beyond that established by the post-incentive auction channel reassignment public notice.</p>	
	<p>It will operate post-incentive auction facilities that match or reduce by no more than five percent with respect to predicted population from those defined in the post-incentive auction channel reassignment public notice.</p>	
	<p>The antenna structure to be used by this facility has been registered by the Commission and will not require re-registration to support the proposed antenna, OR the FAA has previously determined that the proposed structure will not adversely affect safety in air navigation and this structure qualifies for later registration under the Commission's phased registration plan, OR the proposed installation on this structure does not require notification to the FAA pursuant to 47 C.F.R. Section 17.7.</p>	
<p>Environmental Effect</p>	<p>Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)</p>	<p>No</p>
<p>Broadcast Facility</p>	<p>The proposed facility complies with all of the following applicable rule sections. 47 C.F.R. Sections 74.709, 74.793 (e), 74.793(f), 74.793(g), 74.793(h)</p>	<p>Yes</p>

**Legal
Certifications**

Section	Question	Response
Character Issues	<p>Applicant certifies that neither applicant nor any party to the application has or had any interest in, or connection with:</p> <p>(a) any broadcast application in any proceeding where character issues were left in unresolved or were resolved adversely against the applicant or party to the application; or</p> <p>(b) any pending broadcast application in which character issues have been raised.</p>	
Adverse Findings	<p>Has the Applicant or any party to this application had an adverse finding or an adverse final action taken by any court or administrative body in a civil or criminal proceeding brought under any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?</p>	
Program Service Certification	<p>Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.</p>	
Local Public Notice	<p>Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.</p>	
Equal Employment Opportunity (EEO)	<p>If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report.</p>	
Auction Authorization	<p>If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.</p>	N/A
Rebroadcast Certification	<p>(For Applicants proposing rebroadcasts that are not the licensee of the primary station) Applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted.</p>	N/A

Certification

Section	Question	Response
<p>General Certification Statements</p>	<p>The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).</p>	
	<p>The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR §1.2002(b), for the definition of "party to the application" as used in this certification §1.2002 (c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.</p>	
<p>Authorized Party to Sign</p>	<p>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</p> <p>Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application.</p> <p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND /OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).</p>	
	<p>I certify that this application includes all required and relevant attachments.</p>	
	<p>I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.</p>	<p>ERIC YONKIN <i>ASSISTANT SECRETARY</i></p> <p>12/15/2020</p>

Attachments

File Name	Uploaded By	Attachment Type	Description
<u>K25FW-D Change to channel 28 Cleburne environmental exhibit.pdf</u>	Applicant	Fees, Waivers and Exemptions	K25FW-D Change to Cleburne channel 28 Environmental Exhibit
<u>K25FW-D Change to channel 28 Cleburne TV Study report.pdf</u>	Applicant	Technical Certifications	K25FW-D MINOR CHANGE APPLICATION TV STUDY RESULTS
<u>Request for Waiver of Freeze on Major Modifications.pdf</u>	Applicant	Fees, Waivers and Exemptions	Request for Waiver
<u>Ventana Station list 11-12-2020.pdf</u>	Applicant	Attributable Interest	VENTANA TELEVISION INC LIST OF OWNED STATIONS

K25FW-D, Corsicana, TX

Facility ID# 42342

14 December, 2020

Change application- Environmental Statement

The proposed construction is not a major environmental action as defined by 47CFR 1.1306 and 1.1307. No new ground construction or lighting changes are involved and no structure heights or widths are being increased.

RF exposure summary:

This tower site is restricted from public access by a secure steel fence around the site with a steel road gate to block vehicular ingress. The gate and the tower are posted with registration and RF caution signs. The proposed construction is on an existing registered tower.

The proposed K25FW-D facility on channel 28 specifies an antenna center of 83.8 meters AGL. The proposed circular ERP of 15.0 kW including vertical totals 30.0 kW. Using the general exposure formula $S = (.256)(1.64)(100)(F2) (ERP)/4\pi R^2$, with a worst case antenna factor of 1.0 yields a power density at ground level of 14.3 $\mu\text{watts}/\text{cm}^2$, far below even 5% of the occupational limit for channel 28 of 1856 $\mu\text{watts}/\text{cm}^2$ and the public exposure limit of 371 $\mu\text{watts}/\text{cm}^2$. Thus the proposed construction would contribute an insignificant amount of RF energy at the level of a person standing on the ground.

Ventana Television Inc. agrees to cooperate with other users of this shared tower by reducing or terminating emissions when tower crews are working in the vicinity of the antenna.

These facts clearly demonstrate that this proposal does not present any significant environmental action or hazard as defined in the FCC Rules and Regulations Part 1 and outlined in OET bulletin 65 & 65a.

Study created: 2020.11.16 00:24:42

Study build station data: LMS TV 2020-11-15

Proposal: K25FW-D D28 LD LIC CORSICANA, TX

File number: Proposed Cleburne chan 28

Facility ID: 42342

Station data: User record

Record ID: 163

Country: U.S.

Build options:

Protect pre-transition records not on baseline channel

Stations potentially affected by proposal:

IX	Call	Chan	Svc	Status	City, State	File Number	Distance
No	K27MV-D	D27	LD	LIC	DURANT, OK	BLANK0000063814	199.6 km
No	KODF-LD	D27	LD	LIC	BRITTON, TX	BLDTL20100324ACQ	43.1
No	KDFI	D27	DT	LIC	DALLAS, TX	BLANK0000074883	42.2
No	KBVO	D27	DT	LIC	LLANO, TX	BLCDT20090622ABA	221.6
No	KTBS-TV	D28	DT	LIC	SHREVEPORT, LA	BLANK0000053971	322.9
No	K28DJ-D	D28	LD	LIC	BROKEN BOW, OK	BLDTL20120314ABZ	296.9
No	KTPX-TV	D28	DT	LIC	OKMULGEE, OK	BLCDT20020510AAQ	399.8
No	K28OX-D	D28	LD	LIC	Weatherford, OK	BLANK0000063620	367.6
No	K28QN-D	D28	LD	CP	COLLEGE STATION, TX	BLANK0000116857	213.7
Yes	KLEG-CD	D28	DC	CP	DALLAS, TX	BLANK0000028671	68.2
Yes	KLEG-CD	D28	DC	LIC	DALLAS, TX	BLANK0000080460	68.2
No	KYVV-TV	D28	DT	APP	DEL RIO, TX	BMPCDT20080618ACC	406.9
No	KYVV-TV	D28	LD	APP	DEL RIO, TX	BDRTCDT20101008AAW	346.9

K25FW-D, Corsicana, TX
Facility ID# 42342

Request for Waiver of Freeze on Major Modifications and for grant of Channel Change Application to replace Displacement Application

Background

Ventana Television filed its post-repack displacement application for K25FW-D (File# [0000054800](#)) on May 31, 2018 to move from channel 25 to VHF channel 7. Its application was found to be mutually exclusive with three other post-repack LPTV applications. The four applications were then listed in MX Group 60¹.

To resolve the mutual exclusivity, the applicants entered into a mutual interference acceptance agreement. Ventana Television management worked diligently to resolve the numerous complex mutual interference issues between these mutually exclusive displacement applications and to make this agreement work for K25FW-D. Unfortunately, the parties have been unable to agree on the further required modifications to enable a grant of their applications. Ventana Television filed for further silent STA status to seek a new solution to resolve both its displacement and the mutual interference of MX Group 60 with an intention to remain consistent with the spirit of the mutual interference agreement. This application is the most practical result of that search in that although Ventana Television would accept the incoming interference in excess of de minimis levels at Ventana Television's new location and that new location would provide Ventana Television with a useable signal if this this proposal were to be accepted.

Major Modification Needed: No Harm Caused

The instant application is K25FW-D's second effort to rectify the consequences of its TV repack displacement from Channel 25. Although it can no longer be considered a "displacement" application, it is very much in the public interest, as it will allow K25FW to resume service. As stated above, despite the mutual interference agreement, further study has demonstrated that it is futile to continue efforts to build the current construction permit File # 0000054800. K25FW-D has been forced to go silent and its current silent special temporary authority File # 0000122766 will expire April 5, 2021. Without a demonstration of progress, additional silent STA authority cannot be assured. The move and channel change requested by this application will allow K25FW-D to operate from a new location without causing any predicted interference to any other authorized service. To the extent that K25FW-D receives any interference above the de minimis levels, K25FW-D would accept such interference as a condition of this application being granted. The only obstacle to achieving this desirable result is that to change channels requires a major modification. Therefore, a waiver is required to allow acceptance and grant of this application.

¹ FCC Public Notice DA 18-1108, released October 30, 2018

Waiver Request

In 2010, the Media Bureau imposed a freeze on the filing of applications for major changes to existing LPTVs and TV translator facilities. See *Freeze on the Filing of Applications for New Digital Low Power Television and TV Translator Stations*, Public Notice, 25 FCC Rcd 15120 (MB 2010). Ventana is seeking to relocate K25FW-D and change the station frequency, which the FCC has classified as a major modification. Ventana thus must seek a waiver of the FCC's freeze order.

Section §1.3 of the Commission's rules provides that the FCC may waive any of its rules or regulations, which are not statutorily required, "for good cause shown." The good cause requirement is met if "(1) special circumstances warrant a deviation from the general rule and (2) such deviation will serve the public interest." See *Bais Yaakov of Spring Valley v. Federal Communications Commission*, 852 F.3d 1078, 1085 (D.C. Cir. 2017). The FCC has indicated in other Public Notices related to freezes of other LPTV/translator station applications that it may take into consideration "hardship, equity, or more effective implementation of overall policy on an individual basis." See: *Media Bureau Freezes the Filing of Minor Change Applications for LPTV/Translator Stations*, Public Notice, 32 FCC Rcd 10407, at 10407, para. 4 n.6 (MB 2017) (citing *Northeast Cellular Telephone Co., L.P. v. Federal Communications Commission*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)).

To meet the special circumstances requirement, Ventana must demonstrate that it faces a "unique situation" that justify a waiver, *NetworkIP, LLC v. Federal Communications Commission*, 548 F.3d 116, 127 (D.C. Cir. 2008), whereupon the Commission may grant waivers in response to a specific set of facts that justify an exception to the rule. *Keller Communications, Inc. v. Federal Communications Commission*, 130 F.3d 1073 (D.C. Cir. 1997) or where the public interest is served by preserving continuity of meritorious service, *Federal Communications Commission v. National Citizens Committee for Broadcasting*, 436 U.S. 775, 776-77 (1978), in the "most efficient, expeditious manner possible," *Red Rock Broadcasting, Inc. v. Federal Communications Commission*, 94 F.3d 968, 704 (D.C. Cir. 1996).

Ventana has shown the special circumstances that justify a grant of this waiver. This waiver will allow K25FW-D to again serve its viewing audience. Its silence is suffered not of its own making, but rather as an innocent consequence of the public interest served by the UHF TV repack. Although LPTV is not a protected service, LPTV can provide valuable service to the public and should not be deprived of that ability when there is a solution that will do no harm to the repack, other priorities, any other licensee, or viewers. This waiver request represents a unique and special circumstance that will serve the public interest with continued broadcast service. It simply requests the use of an unused channel to allow resumption of service and represents the most efficient and effective resolution of the conundrum created for it by the TC repack. Without this waiver, K25FW-D will likely be lost, and equity would not be served. Without this waiver, through no fault of its own, K25FW-D may never return to service and its license may be lost forever. Accordingly, the equities balance in favor of a waiver, and would contribute to a more effective implementation of overall policy. See *WAIT Radio v. Federal Communications Commission*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *WSB, Inc. v. Federal Communications Commission*, 85 F.3d 695, 700 (D.C. Cir. 1996).

Conclusion

Accordingly, a grant of this application will serve the public interest by returning K25FW-D to full-service operations.

No	KYVV-TV	D28	DT LIC	DEL RIO, TX	BLCDT20110527AKP	475.1
No	KHPX-CD	D28	DC LIC	GEORGETOWN, TX	BLANK0000001529	200.3
No	KUGB-CD	D28	DC LIC	HOUSTON, TX	BLDTA20120801ALF	359.1
No	KETX-LP	D28	LD CP	LIVINGSTON, TX	BDISDTL20090814AAJ	294.6
No	KCEB	D28	DT LIC	LONGVIEW, TX	BLANK0000080719	322.9
No	KPBT-TV	D28	DT LIC	ODESSA, TX	BLANK0000063946	464.2
No	WOAI-TV	D28	DT LIC	SAN ANTONIO, TX	BLANK0000074998	356.9
No	KSAA-LD	N28+	TX LIC	SAN ANTONIO, TX	BLTTL20020122AAM	345.0
No	K31LQ-D	D28	LD CP	SHERMAN, TX	BLANK0000054047	190.3
No	K28ML-D	D28	LD CP	SONORA, TX	BNPDTL20100329ACM	371.2
Yes	KWKT-TV	D28	DT LIC	WACO, TX	BLANK0000117686	119.1
Yes	KFDX-TV	D28	DT LIC	WICHITA FALLS, TX	BLCDT20090205ABU	200.9
No	KRBC-TV	D29	DT LIC	ABILENE, TX	BLCDT20070831AAK	210.4
No	KYLE-TV	D29	DT LIC	BRYAN, TX	BLANK0000116951	208.5
No	KDTN	D29	DT LIC	DENTON, TX	BLANK0000080184	43.1
No	KPTD-LP	D29	LD CP	PARIS, TX	BLANK0000059305	43.1

No non-directional AM stations found within 0.8 km

No directional AM stations found within 3.2 km

Record parameters as studied:

Channel: D28

Mask: Full Service

Latitude: 32 23 8.90 N (NAD83)

Longitude: 97 21 40.60 W

Height AMSL: 321.5 m

HAAT: 0.0 m

Peak ERP: 15.0 kW

Antenna: Micronetixx CS2030-12-5639 E/P 310.0 deg

Elev Pattn: Generic

50.1 dBu contour:

Azimuth	ERP	HAAT	Distance
0.0 deg	3.78 kW	69.4 m	32.7 km
45.0	0.122	69.8	15.4
90.0	1.80	95.9	32.6
135.0	4.88	72.0	34.4
180.0	1.06	88.5	29.0
225.0	0.140	76.8	17.0
270.0	6.46	61.5	34.1
315.0	14.7	44.4	34.2

Database HAAT does not agree with computed HAAT

Database HAAT: 0 m Computed HAAT: 72 m

Distance to Canadian border: 1643.5 km

Distance to Mexican border: 478.5 km

Conditions at FCC monitoring station: Kingsville TX

Bearing: 185.4 degrees Distance: 551.8 km

Proposal is not within the West Virginia quiet zone area

Conditions at Table Mountain receiving zone:

Bearing: 322.9 degrees Distance: 1110.5 km

Study cell size: 1.00 km

Profile point spacing: 1.00 km

Maximum new IX to full-service and Class A: 0.50%

Maximum new IX to LPTV: 2.00%

---- Below is IX received by proposal Proposed Cleburne chan ----

Proposal receives 47.19% interference from scenario 1

Proposal receives 47.19% interference from scenario 2

No IX check failures found.

Ventana Television Inc.- Station Listing

Facility ID	Call Letters	City	State
61199	W45DX-D	ATLANTA	GA
61208	W20DE-D	BIRMINGHAM	AL
49185	W39BH	CHAMPAIGN	IL
49182	W44DC-D	COLUMBUS	OH
42342	K25FW-D	CORSICANA	TX
64174	K32NM-D	DES MOINES	IA
49407	W26EW-D	HUNTINGTON	WV
61205	W30EE-D	JACKSONVILLE	FL
49176	K45IO-D	KANSAS CITY	MO
167727	W45DF-D	KNOXVILLE	TN
61030	K20MM-D	NEW ORLEANS	LA
60554	W41DO-D	NEW YORK	NY
61207	W19CO-D	PENSACOLA	FL
49409	W26EV-D	PORTSMOUTH	VA
61209	W33EI-D	RALEIGH	NC
49408	W32EW-D	ROANOKE	VA
61056	K30QB-D	SHREVEPORT	LA
71624	K29NM-D	SPOKANE	WA
49175	K15KP-D	ST. LOUIS	MO
61201	W40CU-D	ST. PETERSBURG	FL
71623	K35OU-D	TUCSON	AZ
61018	K30OK-D	TULSA	OK
61044	K15DD-D	WICHITA	KS