

Word of God Fellowship, Inc.
W48DW-D, Baton Rouge, LA (Fac ID 67896)
Request for Silent STA, Waiver of 312(g)

REQUEST FOR REINSTATEMENT, SILENT STA AND WAIVER OF SECTION 312(g)

Word of God Fellowship, Inc. (“WOGF”), licensee of W48DW-D (permitted as W31EL-D), Baton Rouge, LA (Fac ID 67896) (the “Station”), hereby requests reinstatement of the Station’s license, an extension of its silent authority, and an extension of the deadline by which the station must return to the air or forfeit its license pursuant to Section 312(g) of the Communications Act of 1934, as amended.

On December 29, 2018, W48DW-D went silent pursuant to a notice from T-Mobile of intent to begin 600 MHz operations. See LMS File No. 0000067427. After resuming operations pursuant to an agreement with T-Mobile, W48DW-D had to go silent again on December 30, 2019. See LMS File No. 0000096367.

WOGF has been working diligently to complete construction of W48DW-D’s new facilities on channel 31 as authorized by its construction permit, LMS File No. 0000129698. The permit will allow the station to relocate its operations to a site that is more desirable site for W48DW-D’s post-transition operations. WOGF has been working diligently to complete construction of its displacement facilities, which included completing a structural study, performing structural work on the tower, and installing new electrical facilities – all of which are now complete. Because the site is owned by the United States Postal Service, it is subject to the postal service’s strict requirement for attachments, including the use of specific antenna mounts. The mounts are being fabricated in Texas and then the antenna will be shipped to the site, which WOGF expects to be operational in weeks and well before the construction permit expires in August.

Section 312(g) provides that “If 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* 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.*” 47 U.S.C. § 312(g) (emphasis added). The Commission has regularly reinstated licenses that have been off the air for more than one year where there is a reasonable explanation for the station’s extended silence.¹

In the *Incentive Auction Report and Order*, the Commission explained that it would be receptive to requests for waivers of Section 312(g) as a result of the repacking process, “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 The Media Bureau expanded upon this position in the *Post-Incentive*

¹ See *V.I. Stereo Commc'ns Corp.*, Memorandum Opinion and Order, 21 FCC Rcd. 14259 ¶ 8 (2006) (reinstating license of station that was off air due to hurricane damage); *Community Bible Church*, Letter, 23 FCC Rcd. 15012, 15014 (MB 2008) (reinstating license of station unable to obtain building permit and ASR discrepancies); *Sumiton Broadcasting Company, Inc.*, Letter, 22 FCC Rcd. 6578 (MB 2007) (reinstating license of station where silence was to effectuate court order).

² *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567 ¶ 585 (2014), *aff'd*, *Nat'l Assoc. of Broadcasters, et al v. FCC*, 789 F.3d 165 (D.C. Cir. 2015)

Auction Procedures Public Notice, explaining that in considering requests for waiver of Section 312(g), it “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.”³ Finally, in the *Special Displacement Window Public Notice*, the Media Bureau explained that if an LPTV or TV translator station needed to remain silent for a consecutive 12-month period, 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.”⁴

The Commission should grant the instant request for waiver because W48DW-D’s silence is fully attributable to circumstances beyond its control relating to the post-Incentive Auction transition and a grant of the requested relief will promote equity and fairness. Specifically, although LPTV stations operating on channels 38-51 had until July 13, 2020 to discontinue operations, W48DW-D had to vacate its prior channel early due to a notice from T-Mobile. WOGF was able to briefly resume operations on a temporary basis, but ultimately had to discontinue service while it relocated to a new transmission site, which has taken longer than expected due to the unique requirements from the postal service. Nevertheless, construction is almost complete and WOGF expects to commence operations from the new site in a matter of weeks.

The Commission has granted waivers of Section 312(g) under similar circumstances, and WOGF respectfully requests the same consideration here.⁵

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³ *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd. 858 ¶ 49 (IATF/MB 2017).

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 ¶ 7 & n.25 (IATF/MB 2017).

⁵ *See e.g.*, Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau to KRCA License LLC, LMS File No. 0000059940 (Mar. 15 2019).