

WAIVER REQUEST

The City of Seward (K07PG), respectfully requests a waiver of 74.731(m) of the Commission's rules and the upcoming July 13, 2021, digital conversion deadline and analog license cancellation provision for its noncommercial educational analog television translator, K07PG, Seward, Alaska (Facility ID No. 11545).

K07PG also requests a waiver of 74.788(c)(3) of the deadline to file for an extension of the subject digital flash cut construction permit.

K07PG serves rural Alaska and grant of this waiver would allow K07PG to continue providing analog service to its community beyond July 13, 2021, thereby avoiding disruption of the sole television broadcast service to K07PG's community.

This waiver request is consistent with the waiver the Commission recently granted to the State of Alaska (SOA) extending the deadline for 15 of SOA's LPTV/translator stations until January 10, 2022 (see FCC 21-78, June 21, 2021; delegating authority to the Media Bureau to consider future requests seeking similar waiver and relief).

K07PG is an NCE TV translator facility serving its community of license, Seward, Alaska, as well as rural Census Designated Places Bear Creek and Lowell Point and the waters of Resurrection Bay.

The location is on the Gulf of Alaska, at the Southern terminus of the Alaska Railroad and the Seward Highway.

Seward, Alaska has no other local or regional broadcast video services, and the service area is over a hundred miles and two mountain ranges away from the nearest broadcast television station that originates programming.

Seward is a commercial fishing port, with many people performing work in these sometimes threatening conditions. It is subject to storms that can affect maritime and land traffic, with dangerous seas and storms with hurricane force winds during the winter. In the winter frequent avalanches affect travel by road and rail.

Seward was famously devastated by the 1964 Great Alaska Earthquake and frequent earthquakes and the threat of tsunami are a constant concern. Accordingly, K07PG plays a vital role in public safety broadcasting.

K07PG has encountered construction delays that were beyond its control. Specifically, K07PG had been coordinating this project with the State of Alaska efforts and had planned to acquire equipment for the project in coordination with, and from the State of Alaska's primary digital transmitter vendor (EMCEE) but that vendor filed for bankruptcy and unexpectedly ceased production.¹

Additionally, K07PG experienced delays that were beyond its control in its efforts to coordinate the digital conversion project with the State of Alaska but, as the Commission is aware, that

¹ See State of Alaska Waiver Request, May 13, 2021.

project has been subject to delays.²

Those delays, both economic and political in nature, were at the time perceived as temporary but in the course of history and with the benefit of hindsight have turned out to be longer than anticipated. With the coordination of the State of Alaska, K07PG continues to coordinate with its local NCE FM broadcaster to complete the digital transition as soon as practicable.

The global COVID-19 pandemic had an especially harsh effect on Alaska's rural communities. Severe limitations on travel into and out of remote villages, compounded by a variety of locally enforced restrictions on virtually all work by outsiders, had a devastating impact on business as usual.

Due to the pandemic, K07PG was forced to delay its focus on this project while it diverted its limited resources to maintaining current operations. With the gradual lifting of pandemic related restrictions it is only now becoming less complicated to allocate and coordinate technical work along with requisite travel and shipping.

Importantly, the State of Alaska has recently took the devolving situation in hand and has enacted a plan to effect the digital transition of the Alaska Rural Communications System network (formerly known as RATnet).

K07PG, Seward was licensed in 1979 for the purpose of participation in the ARCS network.

K07PG exclusively provides programming delivered by the State of Alaska and Alaska Public Media by satellite through the ARCS network. Through ARCS, K07PG is the sole over the air source of authoritative EAS alerting for the region.

Without continued operation of K07PG, the August 2021 NPT will not be available for reception by residents, visitors, or the sole originating FM broadcaster in the area (KIBH-FM, Seward). There are no other broadcast sources.

Allowing K07PG to continue to operate in analog will ensure the continued provision of ARCS over-the-air news, public affairs and entertainment programming to K07PG's rural communities.

To reiterate, Seward and surrounding communities as well as traffic on Resurrection Bay rely on K07PG to disseminate EAS information.

Accordingly, extending K07PG's digital construction permit and allowing K07PG until January 10, 2022, to terminate its analog transmissions would serve the public interest.

As indicated above, K07PG is committed to coordinating the necessary financial and human resources to complete the work needed as soon as practicable and will construct and begin operating K07PG before the end of the waiver period.

² See Order, State of Alaska Request for Waiver, FCC 21-78 (June 21, 2021).