

## **Renewal of License – TV Translator/LPTV Certifications, Discontinued Operations Narrative**

HC2 LPTV Holdings, Inc. (“HC2”) acquired the license for W31EZ-D (formerly W25DW-D), Facility ID: 61692, Chicago, IL pursuant to an assignment application. The acquisition was consummated on 11/14/2017.

The Assignor was: Mako Communications, LLC. The Lead File Number was: BALDTL-20170918ACA and the Member File Number was: BALDTL-20170918ACB.

As noted in the Adherence to Minimum Operating Schedule Narrative<sup>1</sup>, the station went silent on 10/15/2019 and filed a Silent Special Temporary Authority (“Silent STA”) request, FCC File Number: 0000086499, on 10/15/2019. The reason for the period of silence was that HC2 was operating in a resource-constrained environment due to the 600 MHz Incentive Auction repacking process. Station owners, particularly LPTV station owners which were deemed lower priority, that were seeking to build new broadcast facilities had access to far fewer resources such as tower crews and equipment than they would have had otherwise, a factor that the Commission and the Media Bureau acknowledged.<sup>2</sup> The Silent STA request was granted on 10/15/2019.

As part of the Incentive Auction repacking process, W25DW’s channel 25 was displaced by WTTW(TV), Chicago, Illinois which was repacked to channel 25. As a result, W25DW had been silent since October 15, 2019. W25DW timely filed a displacement application requesting a construction permit for channel 31 in the Commission’s displacement application filing window for low power television stations that were displaced by the incentive auction and repacking process. The Media Bureau determined that W25DW’s displacement application for channel 31 was mutually exclusive with applications filed by WESV-LD, Chicago, Illinois; and WCHU-LD, Chicago, Illinois. The stations filed a settlement agreement to resolve the mutual exclusivity among their applications whereby HC2 agreed to dismiss its application and channel share with WESV-LD and WCHU-LD agreed to amend its application to resolve interference with the shared operation. The Channel Sharing Minor Modification application, FCC File Number: 0000068481, was filed on 3/12/2019 and ultimately granted on 10/15/2019.

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<sup>1</sup> See attached exhibit included in the License Renewal application.

<sup>2</sup> See, e.g., *Incentive Auction Closing and Channel Reassignment Public Notice et al.*, Public Notice, 32 FCC Rcd 2786 (MB 2017) (“*Channel Reassignment PN*”); *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6597 ¶ 3 (2014).

The station duly filed a Section 312(g) waiver request on 9/9/2020, FCC File Number: 0000121358. In the Section 312(g) waiver request, the station stated, since the grant of its application for shared operation, it worked with its host station – WESV-LD - to complete construction of the shared facilities. However, because WESV-LD was the host station, HC2 maintained that construction of the shared facilities was outside of its control. HC2 stated that supply-chain constraints resulting from the post-Incentive Auction repacking process, and labor scarcities resulting from the COVID-19 pandemic made it unlikely that construction would be completed on the Hancock Tower rooftop site before the Station's October 15, 2020 one-year silent anniversary. Therefore, the station requested an extension of the Station's license and silent authority pursuant to Section 312(g) to promote equity and fairness.

The Section 312(g) waiver request was granted on 10/15/2020. In the Section 312(g) waiver relief, Commission staff noted, "Consistent with the public interest, we will provide Section 312(g) relief to displaced LPTV and TV translator stations that are forced off the air by circumstances beyond their control. W25DW was displaced by the incentive auction and diligently pursued a channel sharing arrangement to bring the Station back on the air. Due to circumstances outside its control, W25DW has been unable to return to the air prior to the one-year anniversary of going silent."

The station filed a License to Cover application, FCC File Number: 0000124951, on 10/22/2020. The License to Cover was granted on 10/27/2020. Since that date, the station has been operating pursuant to its authorized specifications.