

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

DTV America Corporation acquired WKUT-LD, Bowling Green, KY, Facility: 168485, upon filing a Consummation Notice for the assignment of License application, FCC File Number: BALDTL-20150121AAI, on 7/16/2015.

In addition to the periods of silence noted in the Adherence to Minimum Operating Schedule Narrative,¹ the station went silent on 9/6/2018 and a Silent Special Temporary Authority (“Silent STA”) request, FCC File Number: 0000059500, was filed on 9/7/2018 and granted on 9/7/2018. The reason for the period of silence was that the station was undertaking efforts to construct its permanent broadcast facility pursuant to the granted Displacement application, FCC File Number: 0000052708.² Additionally, DTV America Corporation 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.³

The station filed a Silent STA extension request, FCC File Number: 0000068296, on 3/5/2019 while it continued to assess its options for a permanent displaced broadcast facility. The Licensee added new team members to facilitate the planning, design and construction of new facilities and diligently prepared site summaries and sketches, whilst completing the engineering design process and evaluating its Internet options for content delivery. The station was in contact with transmitter manufacturers and collecting quotes from vendors to complete construction. A new displacement application was filed on 4/18/2019, FCC File Number 0000071998

The station duly filed a Section 312(g) waiver request on 9/6/2019, FCC File Number: 0000068296, as amended, which was granted by letter decision dated 3/23/2020.⁴ In the grant, Commission staff noted, “Consistent with the public interest and prior Bureau actions, we will provide section 312(g) relief to displaced LPTV and TV translator stations that were displaced by the Incentive Auction and pursued new displacement channels.”

¹ See attached exhibit included in the License Renewal application.

² The Displacement application was subsequently rescinded and dismissed on 12/20/2018. *See* Request Letter from Paul A. Cicelski, Counsel to DTV America Corp. to Hossein Hashemzadeh, FCC (Dec. 19, 2018). A second Displacement application was submitted on 4/18/2019, FCC File Number 0000071998.

³ *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).

⁴ Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau to Renee Ilhardt, DTV America Corporation (Mar. 23, 2020) (unpublished letter decision).

The station resumed operations when it filed a License to Cover application on 11/7/2019, FCC File Number: 0000088311, which was granted on 11/12/2019. Since that date, the station has been operating pursuant to authorized specifications except as otherwise noted herein.