

Ari Meltzer
202.719.7467
ameltzer@wiley.law



Wiley Rein LLP
1776 K Street NW
Washington, DC 20006
Tel: 202.719.7000

wiley.law

December 6, 2021

VIA E-MAIL

Marlene Dortch, Secretary
Federal Communications Commission
45 L Street NW
Washington, DC 20554
Attn: Chief, Video Division, Media Bureau

Re: Request for Reinstatement, Extension of Construction Permit, and Silent Authority
Edge Spectrum, Inc.
K17JQ, St. George, UT (Fac. ID 130648)

Dear Ms. Dortch:

Edge Spectrum, Inc. (“ESI”), licensee of LPTV station K17JQ, St. George, UT (Fac. ID 130648) (the “Station”), by counsel, hereby seeks reinstatement of its license (File No. BLTTL-20121207ACG, the “License”) and its digital construction permit (File No. BDFCDTL-20141023AAU, the “Digital CP”). Since December 2020, the Station operated as a digital LPTV station pursuant to special temporary authority (File Nos. 000012526) while it completed construction of its permanent digital facilities. Due to an administrative oversight, however, ESI inadvertently failed to submit a request to extend the Digital CP. Reinstatement and extension of the Digital CP is in the public interest because it will allow ESI to continue serving the public and to deliver new and innovative services over its digital facilities.

The Station commenced digital operations on December 23, 2020 using reduced power facilities while it completed construction of its permanent digital facilities. File No. 0000133950. On June 23, 2021, ESI filed for an extension of its special temporary authority, which the Commission granted with an expiration date of January 6, 2022. File No. 0000150894. The FCC’s Licensing and Management System, meanwhile, displayed an expiration date of October 1, 2022 for the Station’s license. Although ESI acknowledges that it was responsible for tracking the expiration dates of its permits and licenses, because the Station was operating as a digital LPTV station and ESI’s internal records reflected the 2022 expiration dates found in LMS, ESI inadvertently overlooked the fact that it needed to obtain an extension of the Digital CP because the Station was not yet *licensed* as a digital station even though it was operating as a digital station.

Reinstatement of the Station’s license is appropriate under these circumstances and consistent with the intent of the rule. The Station commenced digital operations pursuant to Special

Temporary Authority prior to the July 13, 2021 expiration of its Digital CP – providing religious programming and inspirational messages to viewers. Attached to the instant submission is documentation supporting the fact that the Station had commenced digital operations at reduced power. Such operations, which were a matter of record with the Commission, provide contemporaneous evidence of ESI’s intent to continue operating the Station as a digital LPTV station. ESI’s failure to extend the Station’s CP was due solely to an administrative oversight. During the full power transition, the Commission reinstated station licenses and digital permits where, as here, the oversight was merely administrative and did not reflect the actual operating circumstances.¹ Reinstatement is particularly appropriate here, where the administrative oversight was caused, in part, by the fact that the Commission’s own records indicated that the station’s license and STA both expired in 2022.

Extending the Station’s construction permit is also in the public interest because it will allow the Station to serve viewers by resuming the digital operations it provided prior to July 13, 2021 and to ultimately provide new and innovative digital services using its permanent facilities. In its July 13, 2020 public notice, the FCC indicated that it would consider providing extensions of not more than 180 days to transitioning LPTV/translator stations that experienced delays in completing their digital facilities. (DA 20-724). The FCC has also recognized that LPTV stations should not need to make significant expenditures on new ATSC 1.0 facilities only to later be faced with a further expenditure of resources if they choose to convert those facilities to ATSC 3.0.² The Commission granted extensions for stations licensed to ESI and others that did not complete their permanent digital facilities for similar reasons. *See, e.g.*, File No. 0000139215.

ESI has previously discussed with the Media Bureau its plans to install ATSC 3.0 transmitters at each of its licensed sites. ESI placed orders for equipment well in advance of the July 13 deadline to fully execute a transition to ATSC 3.0 broadcasting. Due to the demand for equipment and tower crews, however, ESI was unable to acquire and install that equipment before July 13. Instead, the Station began operating with temporary digital facilities. ESI is currently working to navigate supply chain issues with the intent of completing construction of as many of its digital facilities as possible before January 10, 2022. ESI will timely request a waiver of tolling for any stations where construction cannot be completed by this date.

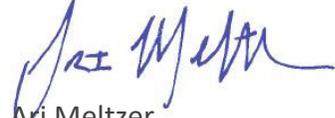
Under these circumstances, reinstatement of the Station’s Digital CP, an extension of the Digital CP through January 10, 2021, and a grant of silent authority *nunc pro tunc* is in the public interest. ESI expects to resume digital operations on the Station as soon as the FCC reinstates the Digital CP.

¹ See Letter from Chief, Video Division, FCC Media Bureau to Pocatello Channel 15, LLC (dated Oct. 15, 2014), http://licensing.fcc.gov/cgi-bin/prod/cdbs/forms/prod/getimportletter_exh.cgi?import_letter_id=53775.

² See *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9930, 9951 ¶ 44 (2017).

Marlene Dortch, Secretary
Federal Communications Commission
December 6, 2021
Page 3

Respectfully Submitted,



Ari Meltzer
Counsel for Edge Spectrum, Inc.

cc: Shaun Maher, Video Division, Media Bureau
Evan Morris, Media Bureau



(REFERENCE COPY - Not for submission)

Resumption of Operations of an Analog LPTV Station Application

File Number: **0000133950** | Submit Date: **01/29/2021** | Call Sign: **K17JQ** | Facility ID: **130648** | FRN: **0026455469** | State: **Utah** | City: **ST. GEORGE**

Service: **LPA** | Purpose: **Resume Operations** | Status: **Received** | Status Date: **01/29/2021** | Filing Status: **Active**

General Information

Section	Question	Response
---------	----------	----------

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
EDGE SPECTRUM, INC. Doing Business As: EDGE SPECTRUM, INC.	Randy Weiss PO Box 54025 Hurst, TX 76054 United States	+1 (214) 770- 7770	randy@crosstalk. org	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
Susan Hansen <i>Consultant</i> B. W. St. Clair	Susan Hansen 2305 Vida Shaw Rd. New Iberia, LA 70563 United States	+1 (303) 378- 8209	STCL@comcast.net	Technical Representative
Caleb Weiss <i>President</i> ARK Multicasting, Inc.	Caleb Weiss PO Box 4655 Cedar Hill, TX 75106 United States	+1 (972) 293- 2256	cweiss@arkmulticasting. com	Legal Representative
Randy Weiss <i>CEO</i> EDGE SPECTRUM, INC.	Randy Weiss PO Box 54025 Hurst, TX 76054 United States	+1 (214) 770- 7770	randy@crosstalk.org	Legal Representative

Station Status

Question	Response
Resuming Power Operations	Full
Date Station Resumed Full Power	12/23/2020

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>Yes</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>Randall Weiss <i>CEO</i></p> <p>01/29/2021</p>

Attachments

File Name	Uploaded By	Attachment Type	Description
K17JQ Resumption Dec2020.docx	Applicant	All Purpose	K17JQ Resumption Dec2020



(REFERENCE COPY - Not for submission)

Amendment to a Analog LPTV Engineering STA Application

File Number: **0000125261** | Submit Date: **12/10/2020** | Call Sign: **K17JQ** | Facility ID: **130648** | FRN: **0026455469** | State: **Utah** | City: **ST. GEORGE**

Service: **LPA** | Purpose: **Engineering STA Amendment** | Status: **Superseded** | Status Date: **01/07/2021** | Filing Status: **InActive**

General Information

Section	Question	Response
---------	----------	----------

Fees, Waivers, and Exemptions

Section	Question	Response
Fees	Is the applicant exempt from FCC application Fees?	No
	Indicate reason for fee exemption:	
Waivers	Does this filing request a waiver of the Commission's rule(s)?	No
	Total number of rule sections involved in this waiver request:	

**Applicant
Information**

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
EDGE SPECTRUM, INC. Doing Business As: EDGE SPECTRUM, INC.	Randy Weiss PO Box 54025 Hurst, TX 76054 United States	+1 (214) 770- 7770	randy@crosstalk. org	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
Susan Hansen <i>Consultant</i> B. W. St. Clair	Susan Hansen 2305 Vida Shaw Rd. New Iberia, LA 70563 United States	+1 (303) 378- 8209	STCL@comcast.net	Technical Representative
Randy Weiss <i>CEO</i> EDGE SPECTRUM, INC.	Randy Weiss PO Box 54025 Hurst, TX 76054 United States	+1 (214) 770- 7770	randy@crosstalk.org	Legal Representative
Caleb Weiss <i>President</i> ARK Multicasting, Inc.	Caleb Weiss PO Box 4655 Cedar Hill, TX 75106 United States	+1 (972) 293- 2256	cweiss@arkmulticasting. com	Legal Representative

Channel and Facility Information

Section	Question	Response
Facility ID	130648	
State	Utah	
City	ST. GEORGE	
LPA Channel	17	

Primary station proposed to be rebroadcast:

Facility Id	Call Sign	City	State
-------------	-----------	------	-------

Antenna Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	No
	ASR Number	
Coordinates (NAD83)	Latitude	37° 03' 47.9" N+
	Longitude	113° 34' 03.8" W-
	Structure Type	TOWER-A free standing or guyed struct
	Overall Structure Height	18 meters
	Support Structure Height	18 meters
	Ground Elevation (AMSL)	915 meters
Antenna Data	Height of Radiation Center Above Ground Level	10 meters
	Height of Radiation Center Above Mean Sea Level	925 meters
	Effective Radiated Power	.100 kW

**Antenna
Technical Data**

Section	Question	Response
Antenna Type	Antenna Type	Off the Shelf
	Do you have an Antenna ID?	Yes
	Antenna ID	20053
Antenna Manufacturer and Model	Manufacturer:	MCI
	Model	955212
	Rotation	230 degrees
	Electrical Beam Tilt	Not Applicable
	Mechanical Beam Tilt	Not Applicable
	toward azimuth	
	Polarization	Horizontal
DTV and DTS: Elevation 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	
	Frequency Offset:	Zero

Directional Antenna Relative Field Values (Pre-rotated Pattern)

Degree	Value	Degree	Value	Degree	Value	Degree	Value
0	1	90	1	180	0.01	270	1
10	0.947	100	0.967	190	0.021	280	0.947
20	0.793	110	0.872	200	0.094	290	0.793
30	0.756	120	0.729	210	0.218	300	0.756
40	0.902	130	0.556	220	0.378	310	0.902
50	0.902	140	0.378	230	0.556	320	0.902
60	0.756	150	0.218	240	0.729	330	0.756
70	0.793	160	0.094	250	0.872	340	0.793
80	0.947	170	0.021	260	0.967	350	0.947

Additional Azimuths

Degree	V _A
65	0.74
45	0.933
335	0.74
315	0.933
295	0.74
25	0.74

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>Yes</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>Randall Weiss <i>CEO</i></p> <p>12/10/2020</p>

Attachments

File Name	Uploaded By	Attachment Type	Description
K17JQ_STA_Statement-Amendment.pdf	Applicant	Amendment	K17JQ_STA_Statement-Amendment
K17JQ_STA_Statement.pdf	Applicant	General Information	K17JQ_STA_Statement

K17JQ-D FI 130648

St. George, UT

The Applicant has a smaller transmitter, then is required for the CP, and the antenna panels on hand to build a smaller version of the station effective immediately.

They have a number of stations involved in the Repack/Reimbursement process and they are in the planning stages of preparing all equipment orders and related installation requirements and developing a schedule of permanent installations that meet specified CP requirements. They believe it is in the public interest to continue provide free-over-the-air television to the community during this repack transitioning process.

This is a digital STA, Stringent Mask Filter.

K17JQ-D FI 130648

St. George, UT

The Applicant has a smaller transmitter, then is required for the CP, and the antenna panels on hand to build a smaller version of the station effective immediately.

They have a number of stations involved in the Repack/Reimbursement process and they are in the planning stages of preparing all equipment orders and related installation requirements and developing a schedule of permanent installations that meet specified CP requirements. They believe it is in the public interest to continue provide free-over-the-air television to the community during this repack transitioning process.

This is a digital STA, Stringent Mask Filter.

This STA has a reduced power from the existing granted Construction Permit: BDFCDTL-20141023AAU, K17JQ-D. This construction permit shows 26.87% interference to BMPDTL20141106ACD, K17LH-D which is later granted and accepted existing interference. As this STA reduces the interference to K17LH-D to 2.35% it should be grantable as a temporary operation.