

**WAUG-LD  
LICENSE RENEWAL EXHIBIT**

*Adherence to Minimum Operating Schedule and Adherence to Operational Parameters*

The applicant has responded in the negative to the certifications that state: “Licensee certifies that during the preceding license term the station has not been silent (or operating for less than its prescribed minimum operating hours) for any period of more than 30 days,” and “Licensee certifies that during the preceding license term, the station has operated pursuant to authorized operating parameters, either pursuant to the terms of its license, special temporary authority, or as otherwise permitted under the Commission’s rules.” Accordingly, the applicant provides the following additional information as to “the exact dates on which the station was silent or operating at less than its prescribed minimum operating schedule” and the surrounding context.

- (1) **Period from December 31, 2011, to December 11, 2012:** Prior to the beginning of the license term, WAUG-LD was authorized to operate on analog Channel 68 and had sought and obtained a construction permit to transfer operations to digital Channel 8. *See* CDBS File No. BMPDVL-20111003AUA. Accordingly, on December 31, 2011, WAUG-LD was forced to go silent as a result of the Commission’s Order requiring the cessation of analog LPTV operations in the 700 MHz band by that date. *See In re Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Second Report and Order, FCC 11-110, ¶ 2 (rel. July 15, 2011). Subsequently, on December 6, 2012, the applicant sought special temporary authority from the Commission to begin digital operations at reduced power, given that the applicant had not yet been able to fully construct its authorized digital facilities. *See* CDBS File No. BSTA-20121206AED. The Commission granted that STA request on December 11, 2012, and the applicant resumed operations pursuant to the STA the next day—December 12, 2012.

Notably, during the foregoing period only approximately 11 days of silence occurred during the relevant license term. *See* CDBS File No. BRTTL-20040802APY (granting renewal term running through December 1, 2012). The licensee nonetheless makes this disclosure out of an abundance of caution and to ensure that it has provided the Commission all information sought in the license renewal application.

- (2) **Period From August 29, 2019, to Present:** On September 5, 2018, the applicant was granted a displacement construction permit to relocate WAUG-LD’s Channel 8 operations to Channel 4. *See* LMS File No. [0000054638](#). Before the applicant could build out its authorized Channel 4 displacement facility, however, WAUG-LD was displaced by full-power station WNCN, Goldsboro, NC (Facility ID No. 50782). The applicant was therefore forced to go silent on August 29, 2019; and on September 4, 2019, the applicant sought—and Commission staff granted—an STA for WAUG-LD to remain silent (LMS File No. [0000080862](#)).

Subsequently, the applicant sought—and Commission staff granted—an extension of the silent STA. *See* LMS File No. [0000114708](#). Regrettably, due to an inadvertent oversight, the

applicant filed to extend the silent STA several months after the initial silent STA's expiration date. The licensee again apologizes for this oversight and respectfully submits that this isolated belated filing neither adversely affects the applicant's qualifications as WAUG-LD's licensee nor warrants enforcement action. *See Application of Tea-Visz, Inc.*, Memorandum Opinion and Order, Notice of Apparent Liability For Forfeiture, 32 FCC Rcd 10204, ¶ 9 (2017) (determining that failure to follow silent station procedures did "not constitute a material failure to serve the public interest under Section 309(k)(1) of the Act or warrant a fine"; forfeiture proposed for other rule violations); *Hometown Media, Inc.*, Summary Decision of Administrative Law Judge, 11 FCC Rcd 11413, 11417 (1996) (determining that three months of inadvertent, unauthorized silence was a "short duration and not a deliberate flouting of the Commission's Rules," and therefore granting renewal with no enforcement action or other adverse consequences).

Finally, although WAUG-LD is currently still silent pursuant to STA (which runs through November 28, 2020), the applicant has been and is continuing to take the steps necessary to construct its authorized displacement facility. Multiple factors beyond the applicant's control have prolonged the construction process, including technical issues, the onset of COVID-19 and the concomitant sapping of time and resources given the applicant's status as a primarily on-campus educational institution, and the extended timeline required for the applicant to submit and receive funding requests necessary to complete construction.

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#### *Biennial Ownership Report*

The applicant has responded in the negative to the certification that states: "Licensee certifies that the station's Biennial Ownership Report (Form 2100, Schedules 323 or 323-E) has been filed with the Commission, as required by 47 CFR Section 74.797." Accordingly, the applicant provides the following additional information.

The applicant inadvertently omitted its biennial ownership report filing for 2015. However, as is evident from the fact that the Saint Augustine's University is the licensee of WAUG-LD, the licensee is governed by the Board of Trustees of Saint Augustine's University. At all relevant times during the license term, information relating to the Board of Trustees has been publicly disclosed on the internet (for instance, on the Saint Augustine's University website, *see, e.g.*, <https://www.st-aug.edu/about-us/board-of-trustees/>) and in other publicly available local records. Because information regarding the members of the licensee's governing board has been consistently available to the public via multiple points of access, the applicant respectfully submits that neither the public nor the Commission were materially prejudiced by the applicant's one-time lapse in biennial ownership report filing.

In apparent recognition of the lack of prejudice caused by a failure of an institutional educational licensee to timely file a biennial ownership report (likely because of the already-public nature of the relevant information of the members of the governing boards of such licensees), Commission Staff has previously granted multiple license renewal applications without sanction

notwithstanding the respective licensees' biennial ownership report filing deficiencies. *See, e.g.*, BRED-20110801AGK, Exs. 9 & 12 (WZMB, licensed to East Carolina University, disclosed a failure to file and place in the public file biennial ownership reports for the entire duration of the license term; application granted without sanction); BRED-20110719ABD, Exs. 9 & 12 (WWCU, licensed to Western Carolina University, disclosed a failure to timely file and place in the public file two biennial ownership reports during the license term; application granted without sanction). The applicant respectfully requests similar treatment for WAUG-LD with respect to its biennial ownership report filing deficiencies.