

KVFW-LD, Fort Worth, TX (Facility ID 53433)
New York Spectrum Holding Company, LLC
Request for Extension of Silent STA and Waiver of 47 U.S.C. §312(g)

**REQUEST FOR REINSTATEMENT OF FORFEITED CP AND FURTHER WAIVER OF 47 U.S.C.
§312(G)**

(FURTHER SUPPLEMENT)

New York Spectrum Holding Company, LLC ("NYSHC") is the licensee of **KVFW-LD, Fort Worth, TX** (Facility ID 53433). NYSHC submits the following further supplement in connection with its pending request for reinstatement and extension of its silent STA and 312(g) waiver request. Since the filing of this request the displacement CP has expired. *NYSHC hereby requests reinstatement and tolling of the displacement CP.*

Please see the earlier 312(g) waiver requests for prior history of steps taken.

NYSHC advised the FCC staff in December 2021 that it expected to enter into Channel Share Agreement with HC2 Broadcasting to facilitate resumption of operations on both KVFW (Ft. Worth) and WAGC (Atlanta).

NYSHC initially reached out to Les Levy, Managing Director of HC2, in October 2021, to proposed a channel sharing arrangement with HC2's on-air station K07AAD-D, Ft. Worth which shares the same frequency plan as its (now forfeited) KVFW displacement CP in a four-way mutual interference tolerance agreement, and well as a proposal for NYSHC's WAGC, Atlanta, GA to share with HC2's station WUEO-LD, Macon, GA.

Les Levy was quite willing, in principal, to accommodate NYSHC's proposal for KVFW to share with K07AAD-D. The channel share could effectively combine NYSHC's spectrum with theirs for better footprint and logistics management, especially for better management of potential interference in Ft. Worth, and maximize certain economies of scale.

NYSHC's idea was to temporarily sublease space on a K07AAD-D subchannel to allow KVFW to resume operations and then negotiate and finalize a Channel Share Agreement. The plan was the same for NYSHC's WAGC (Atlanta) to temporarily sublease a channel on HC2's WUEO-LD and then negotiate and finalize a Channel Share Agreement. NYSHC would then proceed to apply for a Channel Share authorizations with the FCC and license them allowing these two stations quickly to complete the new station installations using the same tower/premises and infrastructure of HC2, as the quickest and cost-effective way to bring NYSHC's stations on-air within a short time.

Several more conversations took place in the following weeks between NYSHC and Les Levy, and both parties agreed to proceed on this understanding. Both parties asked their counsel to interface to work on agreements to facilitate this agreement in principal. NYSHC's efforts to reach HC2's counsel were unsuccessful.

A couple weeks past I did not hear back from HC2, nor did its counsel, so NYSHC reached out again to Les Levy, with multiple emails and voices messages. Mr. Levy finally responded in the end of January 2022, citing that he had been going through the Channel Share arrangement with his legal and finance teams. He said his legal team raised some issues. They pointed out that in the proposed Channel Share Agreement, NYSHC would not have the kind of flexibility NYSHC wanted in terms of station disposal and building new ATSC 3.0 facilities for NYSHC's station, that NYSHC could lose the licensed spectrum staked out by the NYSHC CPs and they would want the right to NYSHC's portion of the spectrum if they needed it or to facilitate the sale of the stations. This especially would be a concern as NYSHC expressed its desire of preserving its licenses and upgrading its digital stations to ATSC 3.0 facilities. Nevertheless Les Levy said he was waiting for more answers from his team and would be back in touch. In a follow-on phone conversation, he agreed to have his counsel to liaise with NYSHC counsel and try to work things out.

Unfortunately no resolution was reached between our counsels, and, despite NYSHC's multiple follow-up actions with Les Levy, there was a long period of silence. Anxious that the deal seemed to be languishing, in late January/early February 2022, NYSHC reached out to Romeo Reyes, NYSHC's former banker and advisor, who also used to work with Les Levy and knows him well. NYSHC asked for his help to reach out to Les Levy on its behalf to inquire about the situation. Romeo Reyes got back to NYSHC and said that Les stated that his counsel told him the Channel Share arrangement wouldn't be feasible, but he offered to have NYSHC counsel talk again. NYSHC has thus far not heard anything back from HC2.

While NYSHC is still waiting for further HC2 response, it has been pursuing another avenue to solve NYSHC's situation. In February 2022, NYSHC reached out to Ravi Kapur of Diya TV, who has purchased several of NYSHC's stations, for assistance in finding a Channel Share partner in both Ft. Worth and Atlanta.

For KVFW, in November 2021, Ravi Kapur introduced NYSHC to Deepak Viswanath, of DV Broadcasting, LLC, licensee of KLEG-CD (Ch. 28), Ft. Worth, TX. NYSHC reached out to Mr. Viswanath, and the parties quickly reach a tentative agreement. The parties agreed that NYSHC would lease one of KLEG-LD's sub-channels and seek an STA from the FCC to facilitate resumption of service by KVFW and then complete the negotiation and execution of a channel share agreement and file with the FCC for a sharing authorization using the KLEG-CD facilities.

To facilitate the arrangement, on December 1, 2021 Mr. Viswanath also contacted his engineer, Greg Best, to further understand the technical implications and stand ready to support the proposed arrangement. In this respect NYSHC hoped to avoid the pitfalls encountered with HC2. A Channel Share Agreement has been sent over to Viswanath for review. Certain events have been delaying us and we went back and forth. But the arrangement should be able to go ahead soon.

NYSHC also adopted the same plan for WAGC. For WAGC, Diya TV sister company Major Market Broadcasting of North Dakota has a station, W19DN-D, located on the South East side of Atlanta. WAGC is located on the Northwest side. Ravi Kapur and NYSHC have tentatively agreed to do a channel share agreement. The plan would be for WAGC to resume service under an STA using a subchannel of W19DN-D, then construct the WAGC CP. The WAGC channel will be co-sharing with W19DN-D in both locations with a much bigger combined coverage footprint. Both parties have high hope of this arrangement and we want to combine force to render our joint stations as the first and formidable ATSC 3.0 broadcasting platform in Atlanta.

NYSHC wants to move forward on both the Ft. Worth and Atlanta stations together to save time and money, and has enlisted Diya TV's engineering help. As of this moment NYSHC is awaiting the draft channel share agreement from Diya TV's counsel. Diya TV has also indicated that it will not sign the channel share agreement until the closing on the sale of the two NYSHC stations, Miami (WTXI) and Tampa (WTBT) to Diya TV sister company Major Market Broadcasting of Florida which have been approved by the FCC has occurred. NYSHC expects issue preventing closing on these stations to be resolved very soon.

Given that the engineering review by the parties has been completed by the parties and the channel share agreements are in process, NYSCH believes that, following the closing on the sale of NYSCH's stations WTXI and WTBT to Diya TV's sister company, NYSHC will be able to file to resume services for KFWT and WAGC and move quickly execute channel share agreements and complete installation of the related CP for new stations.

By letter dated March 28, 2022, the FCC advised NYSHC that the KFWT CP had been forfeited. Despite this instant request for reinstatement of the CP for all of the reasons stated in this submission, NYSHC is filing an application for a new displacement CP to operate on Ch. 4 in order to protect its right to operate/resume operations. If the FCC reinstates the original Ch. 7 CP, then this application will be unnecessary and NYSCH requests that the original CP prevail and this application be dismissed.

NYSHC fully understands the delinquency of its situation and is deeply sorry for that. Although many factors have contributed to the delay it understands that it is ultimately its responsibility to be compliant with the FCC and it makes no excuse for that. NYSHC has met many challenges. NYSHC has been steadfastly working through issues to get all of its stations on the air and operating in compliance, as illustrated by the recent installation and coming on-air for NYSHC's New York WXYT Ch. 23 and Los Angeles KVHD Ch. 3.

In light of the foregoing, NYSHC respectfully requests reinstatement of the KFWT CP and a further extension of its silent STA and waiver of 312(g) to allow it to get the displacement build completed and the station returned to the air.