

License to Cover Application

Christian Broadcasting of Yakima (“CBY”), hereby files this license to cover application for low power television (“LPTV”) station K27OO-D (formerly K39DM), Ellensburg, Washington (Facility ID No. 10497) (“K27OO-D”), to cover K27OO-D’s digital construction permit (LMS File No. 0000028952) (“Digital Construction Permit”).

As a result of the Broadcast Incentive Auction, K27OO-D was forced to transition to digital operations on Channel 27. On July 17, 2017, CBY filed a displacement application for K27OO-D proposing digital operations of the LPTV station on Channel 27.¹ Simultaneously, CBY filed a Request for Special Temporary Authority (“STA Request”) proposing temporary digital operations for K27OO-D because of T-Mobile’s requirement that CBY clear Channel 39 before the station’s transition date.² K27OO-D’s STA Request was granted on August 17, 2017, and expired on February 9, 2018.³ K27OO-D’s Digital Construction Permit was subsequently granted on October 29, 2018.⁴

CBY then timely completed construction of K27OO-D’s digital facilities pursuant to its Digital Construction Permit on November 23, 2017. K27OO-D’s Digital Construction Permit, however, expired as a matter of law on July 13, 2021⁵ because CBY inadvertently neglected to file a license application for K27OO-D’s digital facilities before the permit’s expiration date. Accordingly, the Commission formally cancelled K27OO-D’s Digital Construction Permit on August 4, 2021 as the permit had previously expired as a matter of law on July 13, 2021.⁶

On May 23, 2022, CBY filed an amendment (“Amended Petition for Reconsideration”)⁷ to its pending Petition for Reconsideration (“Petition for Reconsideration”)⁸ of the cancellation

¹ Displacement Application, LMS File No. 0000028952 (filed Jul. 17, 2021).

² Request for Special Temporary Authority, LMS File No. 0000027350 (filed Jul. 17, 2021).

³ *LPTV or TV Translator Station of: Christian Broadcasting of Yakima, Channel 27, Ellensburg, WA, Temporary Call Sign K27MS-D*, LMS File No. 0000027350 (filed Aug. 9, 2017).

⁴ *Broadcast Actions*, Public Notice, Report No. 49354 at 5 (rel. Nov. 1, 2018); Displacement Authorization, LMS File No. 0000028952 (granted Oct. 29, 2018).

⁵ See 47 C.F.R. § 74.788(a).

⁶ *Broadcast Actions*, Public Notice, Report No. PN-2-210806-01 at 18 (rel. Aug. 6, 2021) (“*Broadcast Actions Report No. PN-2-210806-01*”).

⁷ See Supplement to Petition for Reconsideration, LMS File No. 0000191308 (filed May 23, 2022) (“Amended Petition for Reconsideration”).

⁸ Petition for Reconsideration, LMS File No. 0000159072 (filed Sept. 10, 2021) (“Petition for Reconsideration”).

of K27OO-D's analog license seeking reinstatement of the license.⁹ In its Amended Petition for Reconsideration, CBY requested waiver of Section 73.3598(e) of the Commission's rules to permit: (1) the reinstatement of K27OO-D's Digital Construction Permit; and (2) the subsequent filing of K27OO-D's license application to cover CBY's timely construction of the station's facilities as authorized in its Digital Construction Permit.¹⁰

On July 1, 2022, the Commission granted CBY's request for waiver of Section 73.3598(e) of the Commission's rules as made in its Amended Petition for Reconsideration, and set a deadline of July 11, 2022 for CBY to file a license to cover K27OO-D's Digital Construction Permit.¹¹ Accordingly, CBY is hereby filing this application for license to cover K27OO-D's Digital Construction Permit pursuant to its granted Section 73.3598(e) waiver.

⁹ See File No. BLTTL-19930628IE. K27OO-D's analog license was subsequently cancelled by the Commission on August 4, 2021 following the July 13, 2021 analog service termination date for all LPTV stations. *Broadcast Actions Report No. PN-2-210806-01* at 20; 47 C.F.R. § 74.731(m). On September 9, 2021, CBY filed a Petition for Reconsideration of the cancellation of K27OO-D's analog license seeking reinstatement of the license. See generally Petition for Reconsideration.

¹⁰ Amended Petition for Reconsideration at 3. See also 47 C.F.R. § 73.3598(e).

¹¹ Email from Shaun Maher, Video Division, Media Bureau, FCC to Rafael Fernandez, Christian Broadcasting of Yakima (July 1, 2022), a copy of which is attached hereto.

From: Shaun Maher <Shaun.Maher@fcc.gov>

Date: July 1, 2022 at 10:09:17 AM EDT

To: rafael25@charter.net

Cc: Evan Morris <Evan.Morris@fcc.gov>, Kevin Harding <Kevin.Harding@fcc.gov>, Mark Colombo <Mark.Colombo@fcc.gov>, Barbara Kreisman <barbara.kreisman@fcc.gov>, "Sashkin, Davina" <dsashkin@bakerlaw.com>

Subject: K39DM Reinstatement

[External Email: Use caution when clicking on links or opening attachments.]

Christian Broadcasting of Yakima,

We have received and treated your petition for reconsideration as a waiver of the expiration date and granted them and reinstated the construction permit for K39DM, Ellensburg, Washington, Fac ID No. 10947.

Please file a license to cover this construction permits no later than July 11, 2022 in LMS. If there are any problems filing in LMS, please let us know.

Failure to file by July 11, 2022 will result in permanent cancellation of the permit and deletion of the facilities call sign in LMS.

Sincerely,

Shaun Maher
Video Division
Media Bureau
202-418-2324