

## **Renewal of License – Adherence to Minimum Operating Schedule Narrative**

HC2 Broadcasting acquired majority control of the license for KMQV-LD, Facility ID: 184636, Rochester, MN pursuant to a transfer of control application as part of the Consent Decree, 32 FCC Rcd 9129 (MB 2017). The acquisition was consummated on 11/9/2017.

The Transferor was: DTV America Corporation. The Lead File Number was: BTCDTL-20170714ABI and the Member File Number was: BTCDTL-20170714ABW.

KMQV-LD, Facility ID: 184636, Rochester, MN, initiated operations when it filed a License to Cover application, FCC File Number: BLDTL-20140306AIL, on 3/6/2014. The License to Cover was granted on 3/24/2014.

The station went silent on 11/14/2015 and filed a Silent Special Temporary Authority (the “Silent STA”) request, FCC File Number: 0000007282, on 12/10/2015. The Silent STA was granted on 12/10/2015. The reason for the period of silence was outlined in the Media Bureau’s *DTV America Corporation et al.*, Consent Decree, 32 FCC Rcd 9129 (MB rel. Oct. 31, 2017) (“Consent Decree”).

The station requested an extension of the Silent STA on 6/3/2016, FCC File Number: 0000011007. The Silent STA extension was granted on 6/10/2016. The reason for the extended period of silence was outlined in the Consent Decree.

The station resumed operations on 11/6/2016 and filed a Resumption of Operations, FCC File Number: 0000016718 on 11/6/2016.

The station went silent on 11/6/2016 and filed a Silent STA request, FCC File Number: 0000016724, on 11/7/2016. The Silent STA was granted on 11/6/2016. The reason for the period of silence was outlined in the Consent Decree.

The station resumed operations on 5/6/2017 and filed a Resumption of Operations, FCC File Number: 0000024483 on 5/7/2017.

The station went silent on 5/6/2017 and filed a Silent STA request, FCC File Number: 0000024487, on 5/8/2017. The Silent STA was granted on 5/7/2017. The reason for the period of silence was outlined in the Consent Decree.

The station resumed operations on 9/7/2017 and filed a Resumption of Operations, FCC File Number: 0000029724 on 9/7/2017.

The station went silent on 9/7/2017 and filed a Silent STA request, FCC File Number: 0000029799, on 9/11/2017. The Silent STA was granted on 9/11/2017. The reason for the period of silence was outlined in the Consent Decree.

The station requested an extension of the Silent STA on 3/5/2018, FCC File Number: 0000047901. The reason for the period of silence was due to the transfer of control of DTV America to HC2 Broadcasting Inc. (“HC2”), and the subsequent complications of transitioning to new leadership. The transaction was consummated on November 9, 2017 and involved more than 400 LPTV stations.<sup>1</sup> HC2 was in the process of surveying its resources and developing construction and operational plans. Additionally, HC2, as the new majority owner of DTV America, 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.<sup>2</sup>

The station filed a displacement application on 4/10/2018, FCC File Number: 0000051663 (the “Displacement Application”). While that application was pending, the station resumed operations on 9/2/2018 and filed a Resumption of Operations, FCC File Number: 0000059377 on 9/4/2018.

The station went silent on 9/2/2018 and filed a Silent STA request, FCC File Number: 0000059392, on 9/4/2018. The Silent STA was granted on 9/4/2018.

The Displacement Application was granted (as amended) on 10/9/2018 and a construction permit for channel 36 was issued (the “Displacement Construction Permit”).

The station requested an extension of the Silent STA on 3/1/2019, FCC File Number: 0000068208. The specific reason for the silence was that the station was diligently building its new displacement facility as outlined in the granted Displacement Construction Permit.

The station filed an amendment to the STA Silent extension request in order to include a Section 312(g) waiver request on 8/15/2019, FCC File Number: 000068208 out of an abundance of caution, as the upcoming 312(g) deadline of 9/1/2019 was approaching. The Section 312(g) waiver request and the STA Silent request, as amended, were granted on 4/15/21, per LMS.

The station resumed operations on 8/22/2019, and filed a License to Cover application, FCC File Number: 0000080612, on 8/27/2019. The License to Cover was granted on 9/12/2019.

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<sup>1</sup> The Consent Decree noted that “HC2 Broadcasting is unaffiliated with the Licensees, though HC2 Broadcasting’s parent company holds a passive, non-controlling interest in DTV America Corporation through an affiliated entity.”

<sup>2</sup> 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).

The station went silent on 8/22/2019 and filed a Silent STA request, FCC File Number: 0000086304, on 10/11/2019. The Silent STA was granted on 10/11/2019. The station inadvertently did not extend the Silent STA. The station resumed operations on 9/6/2020 when it filed a Resumption of Operations, FCC File Number: 0000121368 on 9/9/2020.

The station went silent on 9/7/2020 and filed a Silent STA request, FCC File Number: 0000121377, on 9/9/2020.

The station resumed operations on 11/23/2020 when it withdrew its Silent STA request, FCC File Number: 0000121377 on 12/14/2020. The exhibit stated, “the facility has resumed licensed operations as of November 23, 2020.” Since that date, the station has been operating pursuant to its authorized specifications.