

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

KMBD-LD's, Facility ID: 49177, Minneapolis, MN, license was renewed on 4/4/2014. Accordingly, the certifications contained in this narrative cover the period from 4/4/2014 to the present.

At the beginning of the license renewal period, the station KMBD-LD, Facility ID: 49177, Minneapolis, MN, was operational pursuant to License to Cover application, FCC File Number: BLDTL-20120117AJC, which was granted on 2/8/2012.

The station went silent on 12/27/2015 and filed a Silent Special Temporary Authority (the "Silent STA") request, FCC File Number: 0000007858, on 1/25/2016, which was subsequently granted. The specific reason for the period of silence was the long-term planning for the station which included creating equipment manufacturing agreements with Rhode & Shwarz, a transmitter company, and Dielectric for antennas. The Licensee had programming plans in place and was finalizing discussions with a major tower company to exclusively use their tower sites.

The station filed a License to Cover application, FCC File Number: 0000008461, on 3/23/2016 which was granted on 3/30/2016, covering a modification application granted 3/3/2016, FCC File Number: 0000008079.

HC2 Broadcasting acquired majority control of the license for KMBD-LD, Facility ID: 49177, Minneapolis, 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-20170714AHL.

The station went silent on 10/8/2018 and filed a Silent STA request, FCC File Number: 0000062821, on 10/12/2018. The Silent STA was granted on 10/12/2018. 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>

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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 extended the Silent STA on 4/5/2019, FCC File Number: 0000069750. The reason for the extended period of silence was to avoid the inefficiency and waste associated with building a second, duplicative broadcast facility that could only be used for a short period of time given the displaced status of the station. Specifically, the station was displaced as part of the repacking process and would have needed to build a separate facility to operate on a new channel.<sup>3</sup> Thus, if required to resume transmission prior to the STA's expiration date, DTV America would have been forced to build a first facility to operate on the station's current channel and then, soon after, a second facility to operate on the station's new channel. The station was diligently building its new displacement facility as outlined in the granted Displacement Construction Permit, FCC File Number: 0000051629, however the initial, contracted rigging crew was not able to complete the installation. Therefore, the Licensee needed to restart the process of negotiating a new rigging crew.

The station duly filed a Section 312(g) waiver request on 10/7/2019, FCC File Number: 000069750 which was granted on 3/26/2020.<sup>4</sup>

The station filed a License to Cover application, FCC File Number: 0000121916, on 9/21/2020. The License to Cover was granted on 3/11/2021. Since that date, the station has been operating pursuant to its authorized specifications.

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<sup>3</sup> See, e.g., *Channel Reassignment PN*.

<sup>4</sup> See attached Discontinued Operations exhibit included in the License Renewal application.