



Federal Communications Commission
Washington, D.C. 20554

April 10, 2020

RSS Media Marketing, LLC
3796 S. Old Carriage Rd.
Rocky Mount, NC 27804

c/o Ronald Maines
Wood & Maines, PC
3300 Fairfax Drive
Suite 202
Arlington, VA 22201

Re: WHIG(CD), Rocky Mount, North Carolina
Fac. ID No. 168101
File No. BRDTA-20190314AAN

Counsel:

This letter grants the above-captioned unopposed Application for Renewal of Broadcast Station License (Renewal Application) filed by RSS Media Marketing, LLC (RSS), to renew the license of television station WHIG(CD), Rocky Mount, North Carolina (WHIG or Station), and in connection therewith, grants a waiver of the renewal application deadline set forth in section 73.3539(a) of the Commission's rules.¹

Background. On May 8, 2017, the Commission entered into a Consent Decree with the licensee's predecessor, Action Community Television Broadcasting Network, Inc. (Action TV), in order to resolve certain issues that arose during the prior license term.² Under the Consent Decree, the Station's prior license renewal application was granted on a short-term basis, with an expiration date of May 8, 2019. Pursuant to section 73.3539(a), the deadline for RSS to file the Renewal Application was January 8, 2019.³

At the time the Consent Decree was entered into, an automatically generated License Renewal Authorization was inadvertently posted to the Station's online public inspection file, which erroneously stated that the Station's license did not expire until December 1, 2020. On March 8, 2019, Media Bureau (Bureau) staff notified the licensee of the error. Thereafter, on March 14, 2019, RSS promptly filed the

¹ 47 CFR § 73.3539(a).

² *Action Community Television Broadcasting Network, Inc.*, Consent Decree, 32 FCC Rcd. 4190 (2017) (Consent Decree).

³ During the pendency of the short-term renewal period, Action TV assigned the license for WHIG to RSS. See WHIG(CD) Assignment Application, File No. BALDTA-20170622ACG (filed June 21, 2017). By the terms of the Consent Decree, it was binding on successor licenses.

present license renewal application.

Discussion. Section 73.3539(a) of the Commission’s rules⁴ requires that an application for renewal of a broadcast license must be filed “not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed.” The Commission may, however, waive any provision of its rules on its own motion and for good cause shown.⁵ A rule may be waived for good cause where particular facts make strict compliance inconsistent with the public interest.⁶ Specifically, a waiver of a filing deadline in the Commission’s rules is appropriate when: (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.⁷

We find good cause to waive the filing deadline set forth in section 73.3539(a) of the Commission’s rules. First, we find that the incorrect deadline posted to the Station’s online public inspection file constitutes a special circumstance warranting a deviation from the renewal application deadline set forth in section 73.3539(a). We also find that such deviation will serve the public interest. Specifically, since entering into a Consent Decree, the record shows that the licensee has adhered to its compliance plan,⁸ timely filed all required documents in its public inspection file, and promptly filed the present Renewal Application when it was notified of the error. For these reasons, we find that there is good cause to waive the renewal application deadline set forth in section 73.3539(a) of the Commission’s rules under these specific circumstances. We note that our decision is solely limited to the facts presented herein and we expect licensees to adhere to all filing deadlines, including deadlines contained in consent decrees or other Commission orders. Not only must RSS file its renewal application as required in the 2017 consent decree, but it will also be required to file in the ordinary course in 2020.

ACCORDINGLY, IT IS ORDERED that the request for a waiver of the renewal application deadline, section 73.3539(a), **IS GRANTED. IT IS FURTHER ORDERED** that the Application for Renewal of Broadcast Station License filed by RSS Media Marketing, LLC, to renew the license for station WHIG(CD), Rocky Mount, North Carolina, **IS GRANTED**, and **SHALL EXPIRE** on **December 1, 2020**.

Sincerely,

/s/

David Brown
Deputy Chief, Video Division
Media Bureau

⁴ 47 CFR § 73.3539(a).

⁵ 47 CFR § 1.3.

⁶ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

⁷ *Id.*

⁸ See Renewal Application, Attach. 6, File No. BRDTA-20190314AAN (filed Mar. 14, 2019).