

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
SOUTHERN TV CORPORATION) Facility ID 69447
WGSA-CA, Savannah, GA)
(FRN 0003-7596-51))
)
Cancellation of License)

To: Chief, Video Division, Media

PETITION FOR RECONSIDERATION

1. Southern TV Corporation (“STV”) hereby petitions for reconsideration of the Video Division’s action, taken by letter of February 3, 2015,¹ cancelling the license for Station WGSA-CA, pursuant to Section 312(g) of the Communications Act, because the station has been dark for more than one year. It also requests reconsideration of the dismissal of its request for Special Temporary Authority (“STA”), File No. BSTA-20121128BAK, so that the station may resume broadcasting.

2. WGSA-CA has been dark solely because of the Commission’s refusal to authorize the station to resume broadcasting under the STA which STV timely requested. The Commission never indicated that the STA request itself was in any way defective. The only feedback STV got was informal FCC Staff advice that the Commission is no longer granting STAs to any Class A station for any purpose. There is no such regulation, and the policy has never been codified or publicly announced, in violation of the Administrative Procedure Act. A blanket policy of that

¹ Public notice of the action was given in Broadcast Actions, Report No. 48421, released February 6, 2015. Accordingly, this Petition for Reconsideration is timely filed.

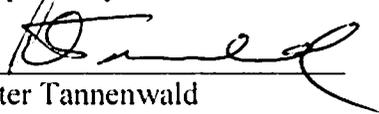
nature is exceptionally harsh and would undoubtedly be universally condemned if offered for public comment.

3. In addition, STV filed a *Petition for Relief under Section 312(g) Communications Act* on May 2, 2013, asking the Commission to exercise its statutorily-authorized discretion to extend WGSA-CA's one-year deadline "to promote fairness and equity."² The Commission has not yet acted on that Petition. STV is entitled to a ruling – a ruling it strongly believes should be issued in its favor – before its license is permanently deleted. The statute does not require deletion of the license under the circumstances at hand. Fairness and equity dictate that STV's license not be cancelled when the licensee filed a timely request to be authorized to resume broadcasting but has been unable to do so because of an unannounced Commission policy to refuse to process any Class A STA regardless of its merits.

4. In light of the foregoing, STV requests that the action deleting its license be rescinded pending disposition of its Petition for Relief and that the requested STA be granted so that WGSA-CA may resume operation with temporary facilities.

Fletcher, Heald & Hildreth, PLC
1300 N. 17th St., 11th Floor
Arlington, VA 22209-3801
Tel. 703-812-0404/0458
Fax 703-812-0486
E-mail: tannenwald@fhhlaw.com
sashkin@fhhlaw.com

Respectfully submitted,


Peter Tannenwald
Davina S. Sashkin

Counsel for Southern TV Corporation

February 25, 2015

² A copy of the Petition for Relief is attached hereto.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

PLEASE STAMP
AND RETURN
THIS COPY TO
FLETCHER, HEALD & HILDRETH

In the Matter of)
)
Southern TV Corporation)
WGSA-CA, Savannah, GA)

Facility ID 69447

RECEIVED - FCC

MAY 2 2013

Federal Communications Commission
Bureau / Office

To: Chief, Video Division, Media Bureau

PETITION FOR RELIEF UNDER SECTION 312(g)
OF THE COMMUNICATIONS ACT

1. Southern TV Corporation¹ hereby requests that the Commission extend its license for Station WGSA-CA, Savannah, Georgia, beyond the one-year period when the license would otherwise expire under Section 312(g) of the Communications Act, 47 U.S.C. §312(g). That statutory section permits the Commission to extend the license for a station that has failed to transmit broadcast signals for any consecutive 12-month period, “for any....reason to promote fairness and equity.”² In this case, fairness and equity dictate that relief be granted, because the licensee has been ready, willing, and able to resume operation for five months and has failed to transmit only because the Commission has refused to grant its request for authority to resume operation. Failure to broadcast is thus due to circumstances beyond the licensee’s control and completely within the Commission’s control.

¹ Southern TV Corporation’s FRN is 0003-7596-51.

² Section 312(g) reads as follows: “Limitation on silent station authorizations. If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, *or for any other reason to promote equity and fairness*. Any broadcast license revoked or terminated in Alaska in a proceeding related to broadcasting via translator, microwave, or other alternative signal delivery is reinstated.” [emphasis added]

2. WGSB-CA went dark on May 5, 2012. The station lost access to its transmitter site, because the tower owner announced plans to dismantle the tower. The station was also faced with a malfunctioning analog transmitter which it seemed unwise to repair in light of the Commission-imposed 2015 deadline³ for all Class A stations to convert to digital operation.⁴ The licensee is also facing severe economic distress. It was granted a waiver of regulatory fee payments in 2009 and 2010 and currently has a petition pending for reconsideration of denial of waivers in 2011 and 2012 under the same circumstances that existed in the two previous years.

3. Notwithstanding all of these serious problems, the licensee requested special temporary authority to resume operation, with reduced power at a temporary site.⁵ That authority was requested on November 28, 2012, some five months ago. The Commission has refused to act on the request, thus leaving the station unable to operate from either its licensed site or a temporary site.

4. When a licensee is ready, willing, and able to operate its station, but it is unable to do so because of Commission refusal to authorize an operation that raises no interference issues, it is grossly unfair and inequitable to allow the license to expire for failure to broadcast. The intent of Congress was to delete licenses of stations whose operators were unable or unwilling to operate. Southern TV Corporation is able and willing, has chosen to operate, and requested authority in more than ample time to get on the air before the one-year deadline. The Government cannot justly deny authority to operate and then take away a license for failure to operate.

³ See Section 74.731(l) of the Commission's Rules, adopted in *Rules for Digital LPTV, TV Translator, and Class A Television Stations*, 26 FCC Rcd. 10732 (2011).

⁴ See Exhibit 1 to BLSTA-20120529AAL.

⁵ See File No. BSTA-20121128BAK.

5. The statute gives the Commission explicit relief to grant relief where equity and fairness so require, which is clearly the case here. Southern TV Corporation asks the Commission to act to avoid the confiscatory effect of the agency's own inaction in this case.⁶

Respectfully submitted,



Peter Tannenwald
Davina S. Sashkin

Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th St., 11th Floor
Arlington, VA 22209-3801
Tel. 703-812-0404/0458
Fax 703-812-0486
E-mail: Tannenwald@fhhlaw.com; Sashkin@fhhlaw.com

May 2, 2013

Counsel for Southern TV Corporation

⁶ As noted in the pending STA request, the station's main studio has remained open and staffed while the station has been dark. To the extent that the Commission has concerns about fulfillment of other Class A operating obligations, the correct vehicle for addressing those issues is the pending Show Cause proceeding, *Reclassification of Licenses of Class A Television Station WGSB-CA*, 27 FCC Rcd. 2544 (MB 2012). Southern TV Corporation is entitled to a full opportunity to litigate the merits of its case in that proceeding and not to have its hands tied and to be deprived of its right to oppose the Show Cause Order by being forced to remain silent when it has duly filed a request for authority to operate.