# Federal Communications Commission
# Washington, D.C. 20554

November 9, 2015

K Media, Inc.
Young D. Kwon
136-56 39th Avenue
4th Floor
Flushing, NY 11354

Re: WYXN-LD
New York, NY
File No. BEP-20150901ADL
Facility ID No. 38945

Dear Petitioner:

This concerns the above-referenced application of New York Spectrum Holding Company, LLC ("NYSHC"), licensee of WYXN-LD, New York, New York, for an extension of a low power television digital construction permit. On September 1, 2015, K Media, Inc. ("K Media") filed an Informal Objection.[1] For the reasons provided below, we deny K Media's Informal Objection and grant the application.

Background. WYXN-LD is a licensed digital low power television station on Channel 26. In November 2009, NYSHC filed a displacement application, File No. BDISDVL-20091125AAH ("Displacement CP"), to move WYXN-LD to Channel 9. The application was granted by the Commission with an expiration date of September 1st, 2015. On September 1st, 2015, K Media filed a modification of a licensed facility, File No. 0000004283, for W09CZ-D, Roslyn, NY to modify their Channel 9 facility. The same day NYSHC filed the above referenced application, File No. BEP-20150901ADL ("Extension Application"), to extend the expiration date of the Displacement CP.

In its Informal Objection, K Media argues that the public interest will not be served if the Commission grants any extension of the Displacement CP. K Media argues that NYSHC should have filed its extension application for the Displacement CP by May 1, 2015 – the deadline it says is contained in the rules for filing extension applications.[2] Furthermore, K Media states that the Displacement CP, on its face, expired at 3:00am on September 1, 2015, that NYSHC filed the extension application after the Displacement CP had expired and the extension application should therefore be dismissed.

Discussion. We conclude that K Media has failed to demonstrate why NYSHC's extension application should not be granted. The May 1, 2015 deadline for filing of extension applications cited to by K Media applied only to Class A television stations seeking to complete construction for the September 1, 2015 digital transition.[3] The September 1, 2015 digital transition date and corresponding

[1] Also before the Commission is NYSHC's Opposition filed September 15, 2015, and K Media's Reply filed October 7, 2015.

[2] *See* 47 C.F.R. § 74.788(c)(3).

[3] *Id*.

May 1, 2015 extension deadline, were suspended for LPTV and TV translator stations pending the outcome of the Commission's ongoing rulemaking proceeding to set a new digital transition date.[4] Furthermore, by rule, digital LPTV modification construction permits, like the Displacement CP, that are not related to the digital transition, expire three years after issuance.[5] The rule does not contain a specific time of the day when construction permits expire and extension applications, as long as they are filed by the expiration date, are considered timely-filed.[6] NYSHC filed its extension application on the expiration date of the Displacement CP.

Based upon the foregoing, we conclude that K Media has failed to present any facts or arguments that warrant a dismissal of NYSHC's extension application for WYXN-LD, New York, New York.

Wherefore, the above facts considered, the Informal Objection filed by K Media, **IS DENIED** and the application of NYSHC for an extension of a construction permit for WYNX-LD, New York, New York, **IS GRANTED**.

Sincerely,

Hossein Hashemzadeh
Deputy Chief, Video Division
Media Bureau

cc: Peter Tannenwald, Esq.

[4] *See Suspension of September 1, 2015 Digital Transition Date for Low Power Television and TV Translator Stations*, Public Notice, 30 FCC Rcd 3741 (MB 2015).
[5] *See* 47 C.F.R. § 74.788(a).

[6] The Commission's rule concerning the renewal and expiration of licenses does state that licenses expire at 3:00am local time on specific dates. *See* 47 C.F.R. § 73.1020(a).