



Federal Communications Commission  
Washington, D.C. 20554

July 17, 2015

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RE: Petition for Eligible Entity Status, Beach TV Properties, Inc., Station WTHC-LD, Atlanta, GA (Fac. ID No. 65409), FCC File No. BLDTL-20060511ABF

Dear Counsel:

This is with respect to the Petition for Eligible Entity Status ("Petition") filed on July 9, 2015, by Beach TV Properties, Inc. ("Licensee"), licensee of low power television ("LPTV") station WTHC-LD, Atlanta, Georgia ("Station").<sup>1</sup> The Petition requests that the Station be deemed an "eligible facility" for purposes of the incentive auction. On June 19, 2015, the Commission released the *Incentive Auction Second R&O* and denied a Petition for Reconsideration<sup>2</sup> filed by the Licensee requesting that the Commission exercise its discretion to extend protection in the repacking process to the Station.<sup>3</sup> The referenced Petition essentially seeks reconsideration of the Commission's decision in the *Incentive Auction Second R&O*. The Commission has already determined that the Station is not eligible for mandatory protection and the Commission has specifically declined to exercise its discretionary authority to extend protection.<sup>4</sup> The Commission has also determined that LPTV stations are not eligible for mandatory protection and has declined to use its discretion to extend protection to LPTV stations.<sup>5</sup> This is not the appropriate venue for seeking reconsideration of these Commission decisions.<sup>6</sup>

Accordingly, for the foregoing reasons, the Petition for Eligible Entity Status filed by Beach TV Properties, Inc. **IS DENIED**.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

<sup>1</sup> Beach TV Properties, Inc. Petition for Eligible Entity Status (Jul. 9, 2015).

<sup>2</sup> Beach TV Properties, Inc. Petition for Reconsideration, GN Docket No. 12-268 (Sept. 15, 2014).

<sup>3</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Second Report and Order on Reconsideration, FCC 15-69, paras. 80-82 (rel. Jun. 19, 2015) ("*Incentive Auction Second R&O*").

<sup>4</sup> *Incentive Auction Second R&O*, paras 81-82 (finding that WTHC-LD is not entitled to mandatory protection and declining to protect the station as a matter of discretion).

<sup>5</sup> *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6673, para. 238; 6674, para. 241 (2014) (finding that repacking protection of LPTV stations is not mandated by the Spectrum Act and declining to exercise discretionary authority to protect LPTV facilities), *aff'd on recon.*, *Incentive Auction Second R&O*, paras. 66-70.

<sup>6</sup> See 47 C.F.R. § 1.429(b),(i); 47 U.S.C. § 402(a).