



Federal Communications Commission  
Washington, D.C. 20554

October 26, 2017

KCEB License Company, LLC  
15455 Dallas Parkway  
Suite 100  
Addison, TX 75001

Re: Request for Waivers of Deadlines  
To File Application For Construction  
Permit and Implement Shared Channel  
Operations  
KCEB, Longview, TX  
Facility ID No. 83913  
LMS File No. 0000034054

Dear Licensee,

On October 23, 2017, KCEB License Company, LLC (KCEB) submitted the above-captioned request for waiver for KCEB, Longview, Texas (Station) of the November 24, 2017, deadline for incentive auction winning channel sharing stations to file an application for construction permit for their shared channel operations (channel sharing application filing deadline).<sup>1</sup> KCEB also requests a waiver of the January 23, 2018, deadline for incentive auction winning channel sharing stations to implement shared channel operations and discontinue operations on their pre-auction channels (channel sharing implementation deadline).<sup>2</sup> For the reasons set forth below, we grant the requests for waiver, extend the channel sharing application filing deadline to February 22, 2018, and channel sharing implementation deadline to April 23, 2018.

*Background.* The Commission instructed that channel sharee stations<sup>3</sup> must file an application for construction permit for their shared channel operations by November 24, 2017.<sup>4</sup> A channel sharee station

<sup>1</sup> See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786, 2813, para. 76 (MB & WTB 2017) (*Closing and Channel Reassignment Public Notice*); see also *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 880, para. 64 (MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR §§ 73.3700(b)(1)(vii).

<sup>2</sup> See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2813, para. 76; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 879, para. 63; 47 CFR §§ 73.3700(b)(3), 73.3700(b)(4)(ii).

<sup>3</sup> Absent any contrary information from the station, any station that indicated it had a pre-auction CSA and/or an intent to channel share on its reverse auction FCC Form 177 is considered a channel sharee station until the station fails to meet or obtain a waiver of the channel sharing application filing deadline.

<sup>4</sup> See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2813, para. 76; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 880, para. 64; 47 CFR §§ 73.3700(b)(1)(vii). As noted previously, some of the post incentive auction transition-related deadlines set forth in the Commission's rules are referred to in months. For the sake of clarity and to provide greater ease of calculation, the Media Bureau refers to such deadlines in days.

may request a waiver of the channel sharing application filing deadline specifying the date by which the sharee anticipates filing its construction permit application.<sup>5</sup>

The Commission also instructed that channel sharing stations must implement shared channel operations, and a sharee station must discontinue operations on its pre-auction channel by January 23, 2018.<sup>6</sup> A channel sharee may request an additional 90 days to discontinue operations on its pre-auction channel and commence shared operations by requesting a waiver pursuant to section 1.3 of the Commission's rules.<sup>7</sup> All such requests for waiver of the deadline to commence shared operations will be evaluated to determine whether grant will delay or disrupt the post-auction transition schedule.<sup>8</sup>

A waiver is appropriate where the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall policy on an individual basis.<sup>9</sup>

In support of its request for waiver of the channel sharing application filing deadline, KCEB states that it submitted a successful bid in the incentive auction for the Station to go off air. On auction application Form 177, the Station indicated an intent to enter into a channel sharing agreement (CSA). KCEB states that it is currently negotiating a CSA with another full power television station in the Tyler-Longview Designated Market Area, but requires additional time to complete and implement the agreement and provide notification to viewers and MVPDs, as required under the Commission's rules.

KCEB argues that grant of the waivers is in the public interest. KCEB argues an extension will facilitate the Station's ability to channel share successfully and without disruption, which will promote the Commission's longstanding policy goals for broadcast television, including localism, viewpoint diversity, and competition. KCEB further maintains that permitting the Station to utilize a full 6 MHz channel for an additional three months will allow it to provide the best over-the-air experience to its viewers by providing a better-quality signal (with increased bandwidth and lower compression). Moreover, KCEB argues, a grant of three additional months will not adversely affect the Commission's post-auction transition timeline. KCEB notes that the channel sharing arrangement under consideration will utilize existing facilities, and grant of this waiver will not divert any engineering resources otherwise needed for the post-auction transition. Finally, KCEB argues that, because the testing period for Phase 1 of the post-incentive auction transition schedule does not begin until September 14, 2018, providing the Station with three additional months to cease operations on its pre-auction channel and transition to shared operations will not affect other stations' transition schedules.

*Discussion.* Upon review of the facts and circumstances presented, we find KCEB's request to extend the channel sharing application filing deadline until February 22, 2018, satisfies the requirements for a waiver. In this case, we find that it would not be consistent with the public interest to require KCEB to file its application for construction for shared channel operations by the November 24, 2017 deadline

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<sup>5</sup> *Id.*

<sup>6</sup> See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2813, para. 76; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 879, para. 63; 47 CFR §§ 73.3700(b)(3), 73.3700(b)(4)(ii).

<sup>7</sup> See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2814, para. 81; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 881, para. 69. Channel sharee stations may request an additional 90 days (for a total of 180 additional days) using the same procedure. *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972); 47 CFR § 1.3 (waiver for good cause shown).

as it is still in the process of finalizing its CSA.

We also find that KCEB's request to extend the channel sharing implementation deadline until April 23, 2018, satisfies the requirements for a waiver. We find that it would not be consistent with the public interest to require Station to implement its shared channel operations by the January 23, 2018 deadline. We find that the public interest will be served by waiver of the deadline because it will allow KCEB more time to optimize the configuration of its shared facility, resulting in a better viewing experience for its viewers. Further, given that KCEB will be sharing with existing facilities, it is not likely that a delay will result in resources being diverted from the post-auction transition. Further, given that the first phase is not set to begin until September 14, 2018, we find that there will be no adverse impact on the post-incentive auction transition schedule as a result of a grant of the 90-day waiver.

The above facts considered, KCEB License Company, LLC's request for waiver **IS GRANTED** and the November 24, 2017 deadline to file an application for construction permit for shared channel operations for KCEB, Longview, Texas **IS EXTENDED** for 90 days to February 22, 2018; and its request for waiver of the January 23, 2018 deadline to implement its shared channel operations and to discontinue operations on its pre-auction channel for KCEB, Longview, Texas, **IS EXTENDED** for 90 days to April 23, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara A. Kreisman', with a stylized flourish at the end.

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Kathleen A. Kirby, Esq.