



Federal Communications Commission  
Washington, D.C. 20554

October 30, 2017

Minority Television Project  
c/o James Winston, Esq.  
Rubin, Winston, Diercks, Harris & Cooke, LLP  
1201 Connecticut Ave., NW, Suite 200  
Washington, DC 20036

Re: Request for Waiver of Deadline To  
File Application For Construction  
Permit For Shared Channel Operations  
KMTP-TV, San Francisco, CA  
Facility ID No. 43095  
LMS File No. 0000034143

Dear Licensee,

On October 24, 2017, Minority Television Project (MTVP), submitted the above-captioned request for waiver for KMTP-TV, San Francisco, California (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> For the reasons set forth below, we grant the request for waiver and extend the channel sharing application filing deadline to January 23, 2018.

*Background.* The Commission instructed that channel sharee stations<sup>2</sup> must file an application for construction permit for their shared channel operations by November 24, 2017.<sup>3</sup> A channel sharee station 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>4</sup>

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<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> Absent any contrary information from the station, any station that indicated it had a pre-auction channel sharing agreement (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>3</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.

<sup>4</sup> *Id.*

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>5</sup>

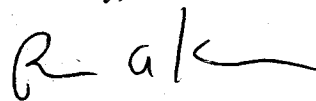
In support of its waiver request, MTVP argues that it was a successful “go-off-air” bidder in the Commission’s Reverse Incentive Auction. In its application to participate in the Reverse Auction, MTVP indicated that it would seek to enter into a CSA if successful in the auction. Since completion of the auction, MTVP represents that it has been seeking a CSA partner or other arrangement to continue its broadcast operations. Recently, MTVP states that it bid to purchase the license of San Mateo Community College for KCSM-TV, Channel 27, San Mateo, California. Unfortunately, MTVP reports, it was outbid. While waiting for the outcome of the bidding for KCSM-TV, MTVP states that it has been in discussions with potential channel sharing partners. Now that MTVP has been unsuccessful in its bid to purchase the license for KCSM-TV, MTVP states that it is focusing exclusively upon finding a channel sharing partner. MTVP requests additional time to complete those negotiations, enter into a CSA, and file its construction permit application.

*Discussion.* Upon review of the facts and circumstances presented, we find MTVP’s request to extend the channel sharing application filing deadline until January 23, 2018, satisfies the requirements for a waiver. In this case, we find that it would not be consistent with the public interest to require Station to file its application for construction for shared channel operations by the November 24, 2017 deadline as it is still in the process of negotiating and finalizing a CSA.

We remind MTVP that channel sharing stations must implement their shared channel operations and that channel sharee stations must discontinue operations on their pre-auction channel by January 23, 2018 (channel sharing implementation deadline).<sup>6</sup> Our action today does not affect the channel sharing implementation deadline.

The above facts considered, Minority Television Project’s request for waiver of the November 24, 2017 deadline for KMTP-TV, San Francisco, California, to file an application for construction permit for shared channel operations **IS GRANTED** and the November 24, 2017 deadline **IS EXTENDED** 60 days to January 23, 2018.

Sincerely,



Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

<sup>5</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).

<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).