



Federal Communications Commission
Washington, D.C. 20554

December 15, 2017

Deerfield Media (Baltimore) Licensee, LLC
1735 York Avenue
#38A
New York, NY 10128

Re: Request for Waiver of
Post-Incentive Auction
Consumer Education Requirements
WUTB, Baltimore, MD
Facility ID No. 60552
LMS File No. 0000036293

Dear Licensee,

On December 13, 2017, Deerfield Media (Baltimore) Licensee, LLC (Deerfield), submitted the above-captioned request for waiver for WUTB, Baltimore, MD (Station) of the post-incentive auction consumer education requirements.¹ For the reasons set forth below, we grant the request for waiver.

Background. The Commission adopted consumer education requirements that channel sharees² must complete prior to discontinuing operations on their pre-auction channels and implementing shared operations.³ In support of its waiver request, Deerfield notes that Station was a winning relinquishment bidder in the reverse auction and will be channel sharing with WBFF, Baltimore, Maryland. Deerfield maintains that, due to financial and programming related considerations regarding continued operations, and to ensure uninterrupted programming services to the public, Station plans to implement channel sharing on December 29, 2017 (given that December 31 is a Sunday). Deerfield states that it has not yet begun airing its viewers notifications or notifying multichannel video programming distributors (MVPDs) of the Station's channel change. As a result, Deerfield requests waiver of the consumer education requirements.

Deerfield commits to complete the following in lieu of full compliance with the consumer education requirements:

¹ 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, 2814-2815, para. 83 (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, 880-881, para. 71 (IATF & MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR § 73.3700(c) and (d).

² A "sharee" is a reverse auction relinquishment winning bidder station that either indicated it had a pre-auction channel sharing agreement (CSA) and/or an intent to channel share on its reverse auction FCC Form 177.

³ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2814-2815, para. 83; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 880-881, para. 71; 47 CFR § 73.3700(c) and (d).

1. Station will air the required Public Service Announcements (PSAs) and crawls in accordance not only with Section 73.3700(c)(3) of the Commission's rules, but also in accordance with the more stringent notification requirements of Section 73.3700(c)(1).

2. Station will air an additional 60 seconds per day of on-air consumer education PSAs or crawls prior to the date Station discontinues operations on its pre-auction channel.

3. Station will notify all impacted MVPDs in the manner and containing the information required by provisions of Section 73.3700(d) of the Commission's rules as soon as possible after the filing of its waiver request.

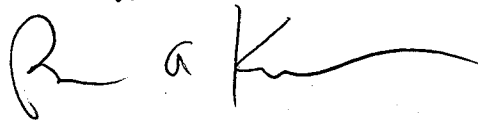
4. For a period of seven days following commencement of shared operations with WBFF (and beginning on January 2, 2018), Deerfield will place an advertisement in a local daily newspaper that is distributed within Station's community of license informing viewers of (i) its change in channel, instructing viewers how to continue to view its programming both over-the-air and via MVPD, and (ii) instructing viewers how to obtain more information by telephone or online.

5. For a period of thirty days following commencement of shared operations with WBFF, Station will maintain information on its website and via its social media platforms informing viewers of its change in channel, instructing viewers how to continue to view its programming both over-the-air and via MVPD and how viewers may obtain more information by telephone and/or online.

Discussion. Upon review of the facts and circumstances presented, we find that grant of Deerfield's request for waiver is in the public interest. 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.⁴ We find that deviation from the existing post-incentive auction consumer education requirements is appropriate and the public interest would be advanced by requiring Deerfield to comply with the modified consumer education requirements for Station that it has proposed in its waiver request and as outlined herein.

The above facts considered, Deerfield Media (Baltimore) Licensee, LLC's request for waiver of the post-incentive auction consumer education requirements for WUTB, Baltimore, Maryland, **IS GRANTED.**

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Paul A. Cicelski, Esq.

⁴ 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).