



Federal Communications Commission  
Washington, D.C. 20554

January 25, 2018

South Florida PBS, Inc.  
14901 NE 20<sup>th</sup> Avenue  
Miami, FL 33181

Re: Request for Waiver of Deadline to  
Implement Shared Channel Operations  
WURH-CD, Miami, FL  
Facility ID No. 4366  
LMS File No. 0000040558

Dear Licensee:

On January 22, 2018, South Florida PBS, Inc. (SFP), submitted the above-captioned request for waiver for television station WURH-CD, Miami, Florida (Station) 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>1</sup> For the reasons set forth below, we grant the request for waiver and extend the channel sharing implementation deadline to April 23, 2018.

*Background.* The Commission instructed that channel sharing stations<sup>2</sup> must implement shared channel operations, and a sharee station must discontinue operations on its pre-auction channel by January 23, 2018.<sup>3</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>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, 879, para. 63 (IATF & MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR §§ 73.3700(b)(3), 73.3700(b)(4)(ii).

<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 requests 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 879, para. 63; 47 CFR §§ 73.3700(b)(3), 73.3700(b)(4)(ii). 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. For example, a "6-month" deadline is referred to as a "180-day" deadline. See *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 860 n.18.

<sup>4</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.*

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> 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>6</sup>

In support of its waiver request, SFP notes that Station was a successful relinquishment bidder in the reverse auction, and that Station will channel share with commonly-owned WPBT, Miami, Florida. Another SFP station, WXEL-TV, Boynton Beach, Florida, will also be sharing with WPBT. WXEL-TV was previously granted a waiver of the channel sharing implementation deadline and has until April 23, 2018 to implement shared operations. SFP states that, on December 21, 2017, it requested authority for Station to go silent and that Station is silent on its pre-auction silent. In order to implement shared operations for Station, SFP maintains that it must establish connections between its studio facilities in Miami, its shared master control facility in Jacksonville, Florida, and its transmitter in Miami. SFP anticipates that it will be able to begin broadcasting a signal for Station more or less simultaneously with the commencement of shared operations with WXEL-TV on or before April 23, 2018.

SFP argues that the requested delay in channel-sharing will not have any impact on the transition to post-auction allotments in Florida since Station has already ceased operations on its previous channel, and the requested delay in channel-sharing will not affect the timing of WPBT's move to its new channel, along with the two other signals that will share that facility.

*Discussion.* Upon review of the facts and circumstances presented, we find SFP's request to extend the channel sharing implementation deadline until April 23, 2018, satisfies the requirements for a waiver. In this case, we find that it would be inconsistent with the public interest to require SFP to implement its shared channel operations by the January 23, 2018 deadline. SFP has demonstrated that additional time is needed to implement its shared operations. Further, SFP has demonstrated that there will be no adverse impact on the post-incentive auction transition as a result of a grant of its waiver especially given the fact that Station has already discontinued operations on its pre-auction channel.

The above facts considered, South Florida PBS, Inc.'s request for waiver of the January 23, 2018 deadline to implement shared channel operations for WURH-CD, Miami, Florida, and to discontinue operations on its pre-auction channel **IS GRANTED** and the January 23, 2018 deadline **IS EXTENDED** until April 23, 2018.

Sincerely,



Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Jack N. Goodman, Esq.

<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 2814, para. 81; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 881, para. 69.