



Federal Communications Commission
Washington, D.C. 20554

January 26, 2018

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. 0000040617

Dear Licensee,

On January 23, 2018, KCEB License Company, LLC (KCEB) submitted the above-captioned request for waiver for KCEB, Longview, Texas (Station) of its February 22, 2018, deadline to file an application for construction permit for shared channel operations (channel sharing application filing deadline).¹ KCEB also requests a waiver of its April 23, 2018, deadline to implement shared channel operations and discontinue operations on its pre-auction channel (channel sharing implementation deadline).² For the reasons set forth below, we grant the request for waiver, extend the channel sharing application filing deadline to May 23, 2018, and channel sharing implementation deadline to July 23, 2018.

Background. The Commission instructed that channel sharee stations³ must file an application for construction permit for their shared channel operations by November 24, 2017, and implement shared channel operations and discontinue operations on their pre-auction channels by January 23, 2018.⁴ A channel sharee station may request waivers of either the channel sharing application filing deadline or

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, 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).

² 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).

³ 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.

⁴ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2813, para. 76; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 879-80, paras. 63-64; 47 CFR §§ 73.3700(b)(1)(vii), 73.3700(b)(3), 73.3700(b)(4)(ii).

channel sharing implementation deadline.⁵ All such requests for waiver will be evaluated to determine whether grant will delay or disrupt the post-auction transition schedule.⁶

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.⁷

KCEB was previously granted 90-day waivers extending its channel sharing application filing deadline to February 22, 2018, and its channel sharing implementation deadline to April 23, 2018.⁸ In support of its second request for waiver of the channel sharing application filing deadline, KCEB states that it has been actively seeking a station with which to channel share in the Tyler-Longview Designated Market Area (DMA). KCEB represents that its efforts have been complicated, however, by the fact that there are only four other primary (full power or Class A) stations in the DMA. As a result, KCEB states that it has had to expand its search to stations in neighboring markets that also serve the DMA, requiring complicated technical and legal analyses. KCEB states that it has now identified a potential channel sharing host, but is only beginning the CSA negotiation process. Although it intends to execute a channel sharing agreement and file an application for a construction permit by February 22, 2018, out of an abundance of caution, KCEB is now seeking an additional 90 days to apply for a construction permit. For similar reasons, KCEB also seeks a waiver of the channel sharing implementation deadline.

KCEB argues that grant of its waiver is in the public interest. First, KCEB maintains, waiver will facilitate the Station's ability to channel share successfully and without disruption, which KCEB argues will promote the Commission's longstanding policy goals for broadcast television, including localism, viewpoint diversity, and competition. KCEB maintains that these factors are particularly relevant in the DMA, which will only have four full power stations remaining if it is unable to successfully implement channel sharing.

Second, KCEB argues 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) and additional programming on multicast streams.

Finally, KCEB maintains that grant of its waiver 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 its waiver will not divert any engineering resources otherwise needed for the post-auction transition. Furthermore, KCEB points out, as the testing period for Phase 1 of the repack does not begin until September 14, 2018, providing the Station with 90 additional days to cease operations on its pre-auction channel and transition to shared operations will not affect other stations' transition schedules. KCEB also notes that providing the Station with 90 additional days also will not delay the launch of service by winning 600 MHz bidders given that the Station's RF channel (26) is within the post-auction broadcast television band.

⁵ 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 day waiver of these deadlines (for a total of 180 additional days) using the same procedure. *Id.*

⁶ *Id.*

⁷ 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).

⁸ See LMS File No. 0000034054.

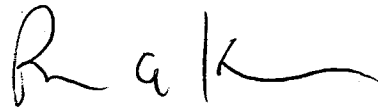
Discussion. Upon review of the facts and circumstances presented, we find KCEB's request to extend the channel sharing application filing deadline until May 23, 2018, satisfies the requirements for a waiver. In this case, we find that it would not be consistent with the public interest to require KCEB to file its application for construction for shared channel operations by its current deadline 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 July 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 its current deadline. We find that the public interest will be served by waiver of the deadline because it will allow KCEB more time to complete the configuration of its shared facility. 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. Finally, Station's continued operation on its pre-auction channel should not impact operations by new wireless licensees because the pre-auction channel (26) is not within in the new 600 MHz band.

Any further requests for waiver of the channel sharing application filing deadline or channel sharing implementation deadline will not be viewed favorably.⁹

The above facts considered, KCEB License Company, LLC.'s request for waiver **IS GRANTED** and the deadline to file an application for construction permit for shared channel operations for KCEB, Longview, Texas **IS EXTENDED** for 90 days to May 23, 2018; and its 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 July 23, 2018.¹⁰

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Kathleen A. Kirby, Esq.

⁹ Further requests to waive the channel sharing application filing deadline must be filed no later than April 23, 2018. *See Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 879, para. 66 (requests for waiver of the channel sharing application filing deadline must be filed no later than 30 days prior to the deadline). Further requests to waive the channel sharing implementation deadline must be filed no later than May 23, 2018. *Id.* at 880, para. 70 (requests for waiver of the channel sharing implementation deadline must be filed no later than 60 days prior to the deadline).

¹⁰ Because the extended channel sharing implementation deadline falls on Sunday, July 22, 2018, we set Monday, July 23, 2018, as the new deadline. *See* 47 C.F.R. § 1.4.