



Federal Communications Commission
Washington, D.C. 20554

February 26, 2018

Morning Star Broadcasting, LLC
1971 University Boulevard
Lynchburg, VA 24515

Re: Request for Waiver of Deadline To
Implement Shared Channel Operations
WFFP-TV, Danville, VA
Facility ID No. 15507
LMS File No. 0000042712

Dear Licensee,

On February 20, 2018, Morning Star Broadcasting, Inc. (MSB) submitted the above-captioned request for waiver for WFFP-TV, Danville, Virginia (Station) of its April 23, 2018, deadline to implement shared channel operations and discontinue operations on its pre-auction channel (channel sharing implementation deadline).¹ For the reasons set forth below, we grant the request for waiver, extend the channel sharing implementation deadline to July 23, 2018.

Background. The Commission instructed that channel sharee stations² must implement shared channel operations and discontinue operations on their pre-auction channels by January 23, 2018.³ A channel sharee station may request a waiver of the channel sharing implementation deadline.⁴ All such requests for waiver will be evaluated to determine whether grant will delay or disrupt the post-auction transition schedule.⁵

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, 879, para. 63 (MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR §§ 73.3700(b)(4)(ii).

² 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.

³ 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.

⁴ 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 the deadline (for a total of 180 additional days) using the same procedure. *Id.*

⁵ *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.⁶

MSB was previously granted a waiver extending its channel sharing implementation deadline to April 23, 2018.⁷ In support of its second request for waiver of the deadline, MSB notes that it will be sharing with WDBJ, Roanoke, Virginia. MSB states that it hoped to transition Station to shared operation by its deadline, however, WDBJ is working on a significant capital upgrade to its newsroom. MSB states that most of that upgrade is complete, but WDBJ's engineers continue to dedicate much of their time to working with third-party vendors to troubleshoot and resolve various issues that have arisen in the course of the newsroom upgrade process.

Despite the challenges of implementing a channel share in the midst of the major capital project, MSB states that the parties have made significant progress toward completing that implementation. MSB represents that, WDBJ is still awaiting (1) the installation of a direct fiber line between WDBJ's main studio and Station's facilities and (2) the arrival and installation of certain switching equipment required for the channel share. MSB states that WDBJ continues to work diligently to complete the upgrade project, but the potential for delays beyond WDBJ's control, including as a result of third-party suppliers and/or winter weather, remains. MSB states that it is committed to implementing the channel sharing as soon as all necessary equipment has been installed, tested and confirmed to be error-free. To ensure a seamless transition and to avoid disruption to Station's viewers, MSB is requesting this waiver of the channel sharing implementation deadline.

MSB argues that grant of its waiver is in the public interest as it will cause no delay or disruption to the post auction transition schedule as the first period for Phase 1 of the repack does not begin until September 14, 2018. Furthermore, MSB argues, Station operates on channel 24 – a channel that is not part of the 600 MHz band – and therefore there will be impact on 600 MHz wireless providers.

Discussion. Upon review of the facts and circumstances presented, we find MSB'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 as it is currently completing implementation of its shared channel operations. Given that the testing period start date for transition phase 1 is not set to begin until September 14, 2018, and Station operates on a channel that is not part of the 600 MHz band, we find that waiver of the channel sharing implementation deadline will not adversely impact the post-incentive auction transition.

Any further requests for waiver of the channel sharing implementation deadline will not be viewed favorably.⁸

⁶ 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).

⁷ See LMS File No. 0000035592.

⁸ 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).

The above facts considered, Morning Star Broadcasting, LLC's request for waiver **IS GRANTED** and the deadline to implement its shared channel operations and to discontinue operations on its pre-auction channel for WFFP-TV, Danville, Virginia **IS EXTENDED** for 90 days to July 23, 2018.⁹

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: Timothy G. Nelson, Esq.

⁹ 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.