



Federal Communications Commission
Washington, D.C. 20554

March 15, 2018

Maranatha Broadcasting Company, Inc.
300 E Rock Rd
Allentown, PA 18103

Re: Request for Waiver of Deadline to
Implement Shared Channel Operations
WFMZ-TV, Allentown, Pennsylvania
Facility ID No. 39884
LMS File No. 0000048442

Dear Licensee,

On March 12, 2018, Maranatha Broadcasting Company (MBC) submitted the above-captioned request for waiver for WFMZ-TV, Allentown, Pennsylvania (the 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

MBC 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, MBC notes that the Station will be part of a four station CSA with WBPH-TV, Bethlehem, Pennsylvania as the host and WLVT-TV, Allentown, Pennsylvania, and WYBE, Philadelphia, Pennsylvania, as the other sharees. MBC states that the stations have been in discussions with the Commission over the planned relocation of WBPH-TV to the current transmitter site for the Station, and associated changes in the facilities of the sharer station, and how best to effectuate these changes in connection with the commencement of the sharing by WLVT-TV and WFMZ-TV. MBC states that an application for construction permit to move WBPH-TV to the Station's site has been filed at the Commission and was recently granted.⁸ MBC continues that channel sharing construction permit applications for the Station has been filed and will be amended to specify operations at the newly approved site specified in the WBPH-TV construction permit.

MBC maintains that the issue now is the timing of the transition of the WBPH-TV operation to the Station's site. MBC reports that the transmitter and antenna for the shared operations at the Station's site have been ordered and that they expect the transmitter will be delivered in April. However, MBC demurs, the parties have just been notified that the transmitter delivery has been delayed. Thus, MBC argues, if sharing is to commence using shared facilities at the Station's site, a waiver of its channel sharing implementation deadline is necessary.

MBC also states that delivery of the encoder required for the shared stations is taking more time than expected. MBC maintains that a new system that can reliably handle all the programming from the four stations involves very advanced technology issues. A specific card in the encoder unit to handle the four stations has been tested, MBC reports, and has experienced some issues in its operations. MBC states that the final delivery of the unit has been held up while the manufacturer is troubleshooting the issue. That unit should be delivered before the end of this month, MBC reports, but will need to go through a testing process before being finalized. MBC states that it expects that the transmitter installation and the antenna mounting will occur no later than early July as delivery dates are finalized and schedules for helicopters and installation crews are finalized, and believes that one additional waiver of the channel sharing deadline will enable the parties to implement their channel sharing plans at the preferable site in an orderly manner.

MBC also argues that the grant of the waiver of the channel sharing implementation deadline will not delay the implementation of the repacking of the television band as the testing period for stations in Phase 1 of the repacking does not even begin until September 14, 2018, after any extension requested by it.

Discussion. Upon review of the facts and circumstances presented, we find MBC'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 the Station to

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. 0000033961.

⁸ See LMS File No. 0000042286.

implement its shared channel operations by its current deadline. MBC has demonstrated that unique technical challenges are likely to prevent a timely implementation of its shared operations. In addition, allowing MBC additional time to implement will ensure a successful completion of its shared operations as well as preventing a potential loss of service to some of its viewers. Given that the testing period start date for transition phase 1 is not set to begin until September 14, 2018, 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.⁹

The above facts considered, Maranatha Broadcasting Company, Inc.'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 WFMZ-TV, Allentown, Pennsylvania, **IS EXTENDED** to July 23, 2018.¹⁰

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: David D. Oxenford, Esq.

⁹ 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 requested 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.