



Federal Communications Commission  
Washington, D.C. 20554

October 17, 2018

Beach TV Properties, Inc.  
8317 Front Beach Road  
Suite 23  
Panama City Beach, FL 32407

Re: Request for Waiver of  
Post-Incentive Auction  
Consumer Education Requirements  
WPCT, Panama City Beach, FL  
Facility ID No. 4354  
LMS File No. 0000062871

Dear Licensee,

On October 15, 2018, Beach TV Properties, Inc. (Beach) submitted the above-referenced request for waiver for WPCT, Panama City Beach, Florida (Station), of the post-incentive auction consumer education requirements.<sup>1</sup> For the reasons set forth below, we grant the request for waiver.

*Background.* Pursuant to Section 73.3700(c)(3) of the Commission's rules (Rules), repacked stations must air sixty (60) seconds per day of on-air crawls or public service announcements (PSAs) beginning 30-days prior to discontinuing operations on their pre-auction channel.<sup>2</sup> In the *Closing and Channel Reassignment Public Notice*,<sup>3</sup> Station was assigned to transition phase 1, which has a testing period start date of September 14, 2018 and phase completion date of November 30, 2018.

Beach reports that, on October 10, 2018, the Station's tower came down amidst Hurricane Michael causing the station to go silent. Beach states that the Station's post-auction tower and facility survived the Hurricane. Beach maintains that, when power is restored, it will go on the air with its post-auction channel facilities from its new tower. Video Division staff was informed by Beach that commenced operations on its post-auction channel on October 15, 2018, and Beach subsequently filed a license to cover.<sup>4</sup>

Beach was assigned to transition Phase 1, which has a phase completion date of November 30, 2018. Beach represents that it had planned to commence operations on its post-transition facility on November 30, 2018. Beach states that it has sent out the requisite medical notifications and MVPD notifications and that it will send revised notifications as necessary. Beach states that at the time of the

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<sup>1</sup> 47 CFR § 73.3700(c)(3).

<sup>2</sup> *Id.*

<sup>3</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 (MB & WTB 2017) (*Closing and Channel Reassignment Public Notice*).

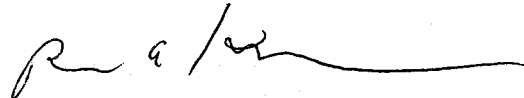
<sup>4</sup> See File No. 0000062892. In order to quickly restore broadcast service to the public, Video Division staff instructed Beach that it was permissible for them to commence operation on their post-auction channel during the pendency of this waiver request.

tower collapse viewer notifications had not yet begun to be aired on Station and airing notices on its pre-auction channel is now no longer possible. In order to disseminate information to its viewers, Beach proposes to use a combination of efforts, including posting notices on social media, website, and, once power has returned to the area, running public service announcements on local radio and publishing a notice in local newspaper. Beach has also committed to re-notify all impacted MVPDs and healthcare facilities of its revised transition plan.<sup>5</sup>

*Discussion.* Upon review of the facts and circumstances presented, we find that grant of Beach'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.<sup>6</sup> Given the facts and circumstances, including the fact that Station's pre-auction facilities were destroyed in Hurricane Michael, rendering Beach unable to air the requisite viewer notifications, we grant its waiver request and permit it to use alternative means to notify its viewers of its transition to its post-auction channel as outlined in its waiver request. Such consumer education should occur for at least a period of thirty (30) days. We also require Beach to send out revised notices to all impacted MVPDs, healthcare facilities, and WPCF(AM).<sup>7</sup>

Accordingly, Beach TV Properties, Inc.'s request for waiver of the post-incentive auction consumer education requirements, 47 CFR § 73.3700(c)(3), for WPCT, Panama City Beach, Florida, **IS GRANTED.**

Sincerely,



Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Kathleen Victory, Esq.

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<sup>5</sup> Beach's construction permit also requires that it provide notice to AM radio station WPCF(AM), Panama City Beach, FL.

<sup>6</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>7</sup> We remind Beach that it is still required to place in its online public file a certification that it has complied with its consumer education requirements. See 47 CFR § 73.3700(c)(6). Furthermore, as a condition of its construction permit Beach is required to place in its online public file evidence that it provided the required notice to healthcare facilities. See LMS File No. 0000034180.