



Federal Communications Commission
Washington, D.C. 20554

April 21, 2020

Southern Oregon Conference Assn. of
Seventh-Day Adventists
19800 Oatfield Road
Gladstone, OR 97027

Re: Request for Reinstatement and
Extension of License and Silent
KEVE-LD, Vancouver, WA
Authority Under Section 312(g)
LMS File No. 0000112398
Facility ID No. 67878

Dear Licensee:

This concerns the above-referenced request to extend silent authority and license (Request) filed on April 10, 2020, by Southern Oregon Conference Assn. of Seventh-Day Adventists (SOCA), licensee of low power television station KEVE-LD, Vancouver, Washington (KEVE or Station). For reasons set forth below, we grant the request, extend the Station's silent authority, waive all applicable rules, and reinstate and extend the Station's license for a period of 180 days from the date of this letter.

Background. Section 312(g) of the Communications Act provides that "[i]f a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license...for any reason to promote equity and fairness."¹ In the *Incentive Auction R&O*, the Commission explained that it would be receptive to requests for reinstatement or extension of a station's license under Section 312(g), "tak[ing] into account the extent to which a station has been involuntarily forced to remain dark as a result of the repacking process and whether, in light of the facts presented, equity and fairness dictate a license extension or reinstatement and a waiver."² Further, in the *Post-Incentive Auction Procedures PN* the Media Bureau stated that, in considering requests to extend or reinstate a stations license under Section 312(g) in order to promote fairness and equity, it "will examine whether the station has demonstrated that its silence is the result of compelling reasons beyond the stations' control, including facts that relate to the post-auction transition process."³ Finally, in the *Special Displacement Window PN*, the Bureau permitted stations to file a displacement application on a contingent basis for channels in the repacked television band (channels 2-36) that full power and Class A stations would be relinquishing as a result of the incentive auction and repacking process.⁴ The Bureau

¹ 47 U.S.C. § 312(g).

² *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6806-07, para. 585 (2014) (*Incentive Auction R&O*).

³ *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition*, Public Notice, 32 FCC Rcd 858, 873-74, para. 49 (IATF/MB 2017) (*Post-Incentive Auction Procedures PN*); see also *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, Public Notice, 33 FCC Rcd 8240, 88243, n.25 (MB/IATF 2018) (citing *Christian Broadcasting of East Point, Inc.*, 30 FCC Rcd. 13975, 13976-77, para. 4 (2015)).

⁴ See *Incentive Auction Task Force and Media Bureau Announce Post Incentive Auction Special Displacement Window April 10, 2018, Through May 15, 2018, and Make Location and Channel Data Available*, Public Notice, 33 FCC Rcd 1234, 1237, para. 7 (IATF/MB 2018) (*Special Displacement Window PN*).

stated that, if a conditional grant would require an LPTV or TV translator station to be silent for a consecutive 12-month period prior to discontinuation of operation by the full power or Class A station, the Bureau would “consider a request for extension or reinstatement pursuant to Section 312(g) of the Communications Act and a request for waiver of the Commission rule.”⁵

Request. As part of the incentive auction and repacking process, KEVE’s channel 36 was displaced by KKEI-CD, Portland, Oregon that was repacked to channel 36. As a result, KEVE has been silent since April 12, 2019.⁶ KEVE timely filed a displacement application requesting a construction permit for channel 31 and it was granted on February 13, 2019.⁷ Since the grant of its displacement application, SOCA reports that it has been pursuing construction of its displacement facilities. Further construction is now being delayed by the COVID-19 pandemic and the State of Oregon’s stay at home order. SOCA concludes that good cause exists for the Commission to exercise its discretion to reinstate and extend KEVE’s license and silent authority beyond the one-year automatic expiration date to preserve this station so that it can provide service in the public interest.

Discussion. Upon review of the facts and circumstances presented, we find that SOCA’s request for reinstatement and extension of the KEVE’s license and silent authority for a period of 180 days from the date of this letter satisfy the requirements of Section 312(g) as described in the *Incentive Auction R&O*, the *Post-Incentive Auction Procedures PN*, and the *Special Displacement Window PN*, and is in the public interest. Consistent with the public interest, we will provide Section 312(g) relief to displaced LPTV and TV translator stations that are forced off the air by circumstances beyond their control. KEVE was displaced by the incentive auction and diligently pursued a new displacement channel. Therefore, due to circumstances outside its control, KEVE has been unable to return to the air prior to the one-year anniversary of going silent.

Accordingly, we find that in order to promote fairness and equity the request filed by Southern Oregon Conference Assn. of Seventh-Day Adventists **IS HEREBY GRANTED**, the applicable Commission rules **ARE WAIVED**,⁸ and the license and silent authority for KEVE-LD, Vancouver, Washington **ARE REINSTATED AND EXTENDED** for 180 days from the date of this letter.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Donald E. Martin, Esq.

⁵ *Id.* at n.25 citing 47 U.S.C. § 312(g); *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction Transition*, Public Notice, 32 FCC Rcd 3860, 3865-66, para. 12 (IATF/MB 2017).

⁶ See LMS File No. 0000071603.

⁷ See LMS File No. 0000054548.

⁸ 47 CFR §§ 74.15(f) and 74.763(c)