



Federal Communications Commission  
Washington, D.C. 20554

May 7, 2020

Unimas Partnership of San Antonio  
Christopher G. Wood  
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Re: Request for Waiver of the Post-  
Incentive Auction Consumer Education  
Requirements  
KCOR-CD, San Antonio, TX  
Facility ID No. 48837  
LMS File Nos. 0000000113055

Dear Licensees,

On May 1, 2020, Unimas Partnership of San Antonio (Licensee or Unimas), licensee of KCOR-CD, San Antonio, Texas (KCOR-CD or Station) filed the above captioned request for waiver of the Commission's post-incentive auction consumer education requirements.<sup>1</sup> For the reasons below, we grant the Station's request for waiver, as conditioned herein.

*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> The Media Bureau (Bureau) has stated that to the extent a station is not able to comply with its consumer education requirements, it must file a request for waiver.<sup>3</sup> Waivers will be evaluated on a case-by-case basis in accordance with the Commission waiver standard and must include the following information: (1) an explanation describing why the station is unable to comply with the existing consumer education requirements; (2) an alternative but comparable means the station will use to notify viewers of the station's new channel; and (3) why grant of the waiver request complies with the Commission's general waiver standard.<sup>4</sup> 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>5</sup>

The Station was assigned transition Phase 3, which had a testing period start date of April 13, 2019, and has a phase completion date of June 21, 2019. While the Station ceased operation on its pre-auction channel and went silent on May 23, 2019, Unimas states it failed to air the required consumer education announcements. The Station resumed operation on its post-auction channel, at reduced power,

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<sup>1</sup> 47 CFR §§ 73.3700(c)(3).

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

<sup>3</sup> *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, MB Docket No. 16-306 and GN Docket No. 12-268, Public Notice, 33 FCC Rcd 8240, 8245, para. 15, n.41 (IATF & MB 2018) (*Transition Reminder Public Notice*).

<sup>4</sup> *Id.*

<sup>5</sup> See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); 47 CFR § 1.3 (waiver for good cause shown).

on April 28, 2020.<sup>6</sup> Because the Station failed to air the necessary consumer education announcements prior to vacating its pre-auction channel, Unimas has requested a waiver of the Commission's consumer education requirements and has committed to undertaking the following alternative consumer education and outreach efforts for 30 days: (1) on-air notices on KROM(FM) and on KXTN(AM), two in-market radio stations, for 60 seconds per day; (2) notice on the website of the Station's sister station KWEX-DT, San Antonio, Texas, and (3) notice utilizing Unimas's social media outlets.

*Discussion.* Upon review of the facts and circumstances presented, we find that Unimas's request for waiver is in the public interest. In light of Unimas's failure to air the required consumer education announcements prior to terminating operation on its pre-auction channel, Unimas has committed to undertake alternative consumer education and outreach efforts equivalent to those required under the consumer education rule. We find such consumer education and outreach efforts would be sufficient to ensure viewers are fully informed of the Station's transition and resumption of operation on its post-auction channel.

Accordingly, we **GRANT** Unimas's request for waiver of the Commission's post-incentive auction consumer education requirements, 47 CFR § 73.3700(c)(3), for station KCOR-CD, San Antonio, Texas, subject to all the commitments made in the Stations' waiver request and compliance with all other Commission rules applicable to transitioning stations.<sup>7</sup>

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

Cc: (via electronic mail):  
Matthew S. DelNero, Esq.  
Rafael Reyneri, Esq.

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<sup>6</sup> See LMS File Nos. 0000113197 (reduced power notification) and 0000112966 (resumption of operation notice).

<sup>7</sup> See generally 47 CFR § 73.3700 and *Transition Reminder Public Notice*, 33 FCC Rcd 8240. We remind the Licensees that if the Stations must commence operations on its post-auction channel at variance from the parameters authorized in its construction permit, it must file for and be granted special temporary authority prior to commencing operations. See 47 CFR § 73.1635. A station that needs additional time to complete construction of its post-auction facility beyond its construction permit expiration date must file for a 180-day extension of its construction permit in accordance with Section 73.3700(b)(5)(iv). Stations needing additional time to construct after a 180-day extension is granted, will be subject to the Commission's tolling provisions. 47 CFR § 73.3700(b)(5)(iv). Grant of an extension of time to construct does not relieve a station of the requirement that it ceases operation on its pre-auction channel by its assigned phase completion date.