



Federal Communications Commission
Washington, D.C. 20554

October 30, 2017

Trinity Broadcasting of Indiana, Inc.
PO Box 11057
Richmond, IN 47375

Re: Request for Waiver of Deadline To
File Application For Construction
Permit For Shared Channel Operations
WSFJ-TV, Newark, OH
Facility ID No. 11118
LMS File No. 0000034139

Dear Licensee,

On October 24, 2017, Trinity Christian Center of Santa Ana, Inc. (Trinity), submitted the above-captioned request for waiver for WSFJ-TV, Newark, Ohio (Station) of the November 24, 2017, deadline for incentive auction winning channel sharing stations to file an application for construction permit for their shared channel operations (channel sharing application filing deadline).¹ For the reasons set forth below, we grant the request for waiver and extend the channel sharing application filing deadline to January 23, 2018.

Background. The Commission instructed that channel sharee stations² must file an application for construction permit for their shared channel operations by November 24, 2017.³ A channel sharee station may request a waiver of the channel sharing application filing deadline specifying the date by which the sharee anticipates filing its construction permit application.⁴

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, 880, para. 64 (MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR §§ 73.3700(b)(1)(vii).

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 880, para. 64; 47 CFR §§ 73.3700(b)(1)(vii). As noted previously, some of the post incentive auction transition-related deadlines set forth in the Commission's rules are referred to in months. For the sake of clarity and to provide greater ease of calculation, the Media Bureau refers to such deadlines in days.

⁴ *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.⁵

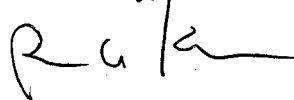
In support of its waiver request, Trinity argues that it is in active negotiations with potential channel sharing partners and is diligently working to finalize an agreement. Trinity states that it intends to continue working towards concluding a final agreement in time to file its channel sharing construction permit application by the channel sharing application filing deadline. Trinity maintains that the grant of its waiver request is in the public interest because it will preserve Station's service to the viewing public.

Discussion. Upon review of the facts and circumstances presented, we find Trinity's request to extend the channel sharing application filing deadline until January 23, 2018, satisfies the requirements for a waiver. In this case, we find that it would not be consistent with the public interest to require Station to file its application for construction for shared channel operations by the November 24, 2017 deadline as it is still in the process of negotiating and finalizing its CSA.

We remind Trinity that channel sharing stations must implement their shared channel operations and that channel sharee stations must discontinue operations on their pre-auction channel by January 23, 2018 (channel sharing implementation deadline).⁶ Our action today does not affect the channel sharing implementation deadline.

The above facts considered, Trinity Christian Center of Santa Ana, Inc.'s request for waiver of the November 24, 2017 deadline for WSFJ-TV, Newark, Ohio, to file an application for construction permit for shared channel operations **IS GRANTED** and the November 24, 2017 deadline **IS EXTENDED** 60 days to January 23, 2018.

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Colby M. May, Esq.

⁵ 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).

⁶ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2813, para. 76; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 879, para. 63; 47 CFR §§ 73.3700(b)(3), 73.3700(b)(4)(ii).