



Federal Communications Commission  
Washington, D.C. 20554

November 27, 2017

Northstar San Francisco License, LLC  
1701 N. Market Street  
Suite 500  
Dallas, TX 75202

Re: Request for Waiver of Deadline to  
Implement Shared Channel Operations  
KEMO-TV, Santa Rosa, CA  
Facility ID No. 34440  
LMS File No. 0000035553

Dear Licensee,

On November 21, 2017, Northstar San Francisco License, LLC (Northstar), submitted the above-captioned request for waiver for KEMO-TV, Santa Rosa, California (Station) of the January 23, 2018 deadline for incentive auction winning channel sharing stations to implement shared channel operations and discontinue operations on their pre-auction channels (channel sharing implementation deadline).<sup>1</sup> For the reasons set forth below, we grant the request for waiver and extend the channel sharing implementation deadline to April 23, 2018.

*Background.* The Commission instructed that channel sharing stations<sup>2</sup> must implement shared channel operations, and a sharee station must discontinue operations on its pre-auction channel by January 23, 2018.<sup>3</sup> A channel sharee may request an additional 90 days to discontinue operations on its pre-auction channel and commence shared operations by requesting a waiver pursuant to Section 1.3 of the Commission's rules.<sup>4</sup>

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<sup>1</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, 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 (IATF & MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR §§ 73.3700(b)(3), 73.3700(b)(4)(ii).

<sup>2</sup> 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 requests a waiver of the channel sharing application filing deadline.

<sup>3</sup> 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). 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. For example, a "6-month" deadline is referred to as a "180-day" deadline. See *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 860 n.18.

<sup>4</sup> 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 days (for a total of 180 additional days) using the same procedure. *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.<sup>5</sup> All such requests for waiver of the deadline to commence shared operations will be evaluated to determine whether grant will delay or disrupt the post-auction transition schedule.<sup>6</sup>

In support of its waiver request, Northstar notes that Station was a winning bidder in the reverse auction and will be channel sharing with KCNZ-CD, San Francisco, California. Northstar notes that it recently filed its application for construction permit for shared operations and that application is still pending. Because Station does not yet have an approved channel sharing construction permit, and because making all technical arrangements necessary to ensure a seamless transition to channel sharing may take longer than ninety days from November 24, 2017, Northstar argues that it may need additional time to implement the channel sharing agreement.

Northstar argues that grant of the waiver is in the public interest. Northstar notes that the first testing period for Phase 1 of the repack does not begin until September 14, 2018, and concludes that providing Station with 90 additional days to cease operations on its pre-auction channel and transition to shared operations will not affect other stations' transition schedules.

*Discussion.* Upon review of the facts and circumstances presented, we find Northstar's request to extend the channel sharing implementation deadline until April 23, 2018 satisfies the requirements for a waiver. In this case, we find that it would be inconsistent with the public interest to require the Station to implement its shared channel operations by the January 23, 2018 deadline. Northstar has demonstrated that additional time is needed to implement its shared operations. Further, given that the testing period start date for transition phase 1 is not set to begin until September 14, 2018,<sup>7</sup> we find that waiver of the channel sharing implementation deadline will not adversely impact the post-incentive auction transition schedule.

The above facts considered, Northstar San Francisco License, LLC.'s request for waiver of the January 23, 2018 deadline to implement shared channel operations for KEMO-TV, Santa Rosa, California

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<sup>5</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>6</sup> *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 881, para. 69.

<sup>7</sup> See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2806, para. 64.

and to discontinue operations on its pre-auction channel **IS GRANTED** and the January 23, 2018 deadline **IS EXTENDED** for 90 days until April 23, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara A. Kreisman', with a stylized, flowing script.

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Jack N. Goodman, Esq.