



Federal Communications Commission
Washington, D.C. 20554

November 27, 2017

Trinity Broadcasting of Indiana, Inc.
P.O. Box 1057
Richmond, IN 47375

Re: Request for Waiver of Deadline to
Implement Shared Channel Operations
WKOI-TV, Richmond, IN
Facility ID No. 67869
LMS File No. 0000035546

Dear Licensee,

On November 20, 2017, Trinity Broadcasting of Indiana, Inc. (Trinity), submitted the above-captioned request for waiver for WCLJ-TV, Richmond, Indiana (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).¹ 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 stations² must implement shared channel operations, and a sharee station must discontinue operations on its pre-auction channel by January 23, 2018.³ 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.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, 879, para. 63 (IATF & MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR §§ 73.3700(b)(3), 73.3700(b)(4)(ii).

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 requests 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 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.

⁴ 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.⁵ 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.⁶

In support of its waiver request, Trinity notes that Station was a winning bidder in the reverse auction and reserved the right to channel share. Trinity states that it is working on a CSA with a third party that will memorialize the terms of a CSA with that licensee. Trinity also notes that it was granted a waiver (LMS File No. 0000034145) of the deadline by which sharees must submit an application for construction permit for shared operations (channel sharing application deadline).⁷ Trinity now seeks additional time to implement its shared operations. Because it has just signed its CSA and is preparing to file for its channel sharing construction permit, Trinity believes that it will require additional time to implement the CSA and provide notification to viewers and MVPDs, as required under the Commission's rules.

Trinity argues that grant of the waiver is in the public interest. Trinity maintains that waiver will facilitate the Station's ability to channel share successfully and without disruption which will promote that Commission's longstanding policy goals for broadcast television, including localism, viewpoint diversity, and competition. Moreover, Trinity argues, a grant of 90 additional days will not adversely affect the Commission's post-auction transition timeline. Trinity notes that the first testing period for Phase 1 of the repack does not begin until September 14, 2018, and Trinity concludes that providing the 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 Trinity'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. Trinity 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, 2018,⁸ we find that waiver of the channel sharing implementation deadline will not adversely impact the post-incentive auction transition schedule.

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).

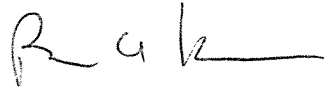
⁶ *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 881, para. 69.

⁷ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd. at 2813, para. 77; *Broadcast Transition Procedures Public Notice*, 32 FCC Rcd at 880, para. 64; 47 CFR § 73.3700(b)(1)(vii).

⁸ See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd at 2806, para. 64.

The above facts considered, Trinity Broadcasting of Indiana, Inc.'s request for waiver of the January 23, 2018 deadline to implement shared channel operations for WKOI-TV, Richmond, Indiana 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 'B A K', followed by a horizontal line.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Colby M. May, Esq.