



Federal Communications Commission
Washington, D.C. 20554

March 23, 2018

Lincoln Broadcasting Company, LP
100 Valley Drive
Brisbane, CA 94005

Re: Request for Waiver of Deadline to
Implement Shared Channel Operations
KTSF, San Francisco, CA
Facility ID No. 37511
LMS File No. 0000048901

Dear Licensee,

On March 20, 2018, Lincoln Broadcasting Company, LP (Lincoln) submitted the above-captioned request for waiver for KTSF, San Francisco, California (the Station) of its April 23, 2018, deadline to implement shared channel operations and discontinue operations on its pre-auction channel (channel sharing implementation deadline).¹ For the reasons set forth below, we grant the request for waiver, extend the channel sharing implementation deadline to May 14, 2018.

Background. The Commission instructed that channel sharee stations² must implement shared channel operations and discontinue operations on their pre-auction channels by January 23, 2018.³ A channel sharee station may request a waiver of the channel sharing implementation deadline.⁴ All such requests for waiver will be evaluated to determine whether grant will delay or disrupt the post-auction transition schedule.⁵

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.⁶

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 (MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR §§ 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 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 879-80, paras. 63-64.

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 day waiver of the deadline (for a total of 180 additional days) using the same procedure. *Id.*

⁵ *Id.*

⁶ 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).

Lincoln was previously granted a waiver extending its channel sharing implementation deadline to April 23, 2018.⁷ In support of its second request for waiver of the deadline, Lincoln notes that it will be sharing with KDTV, San Francisco, California. Lincoln states that it has diligently planned for cutover to shared RF Channel 51 and is otherwise on target for an April 23, 2018 cutover, but has encountered a last-minute technical issue that necessitates up to a three-week waiver in order to assure reliable broadcasting through the shared facility. Lincoln explains that, as a full-service major market station, the Station needs to operate with a redundant link to the transmitter to assure continued broadcasting in the event of an issue with the primary link. However, Lincoln maintains, the landlord at the site where the backup link is to be installed has balked at the installation, which was previously arranged by the licensee of the sharing host station. Lincoln represents that it is working to resolve the leasing issue, which could be resolved quickly or could result in a need for an alternative plan. Lincoln states that it has developed a list of potential alternative delivery methods, utilizing different equipment or leased facilities, which if confirmed would require varying amounts of time to implement.

Lincoln argues that grant of its waiver would serve the public interest by facilitating a smooth cutover of the Station to facilities which will provide reliable service on the shared channel. Lincoln states that the Station is the sole market station primarily broadcasting programming for the Asian community and needs to broadcast with facilities that are least subject to disruption of its unique service.

Lincoln argues further that a brief delay of up to three weeks in this transition would not adversely affect overall repacking in the market, given that the Commission's repack plan places all San Francisco market stations changing channel in Phases 8 and 9. Lincoln notes that, under the Transition Schedule, the Phase 8 testing period does not start until January 18, 2020, so Lincoln concludes that the requested deferral is immaterial to the repack goal.

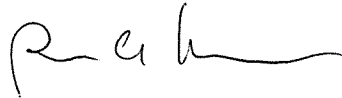
Discussion. Upon review of the facts and circumstances presented, we find Lincoln's request to briefly extend the channel sharing implementation deadline until May 14, 2018, satisfies the requirements for a waiver. We find that it would not be consistent with the public interest to require the Station to implement its shared channel operations by its current deadline as it is currently completing implementation of its shared channel operations. Given that the testing period start date for transition phase 1 is not set to begin until September 14, 2018, we find that waiver of the channel sharing implementation deadline will not adversely impact the post-incentive auction transition. Further, because the Station operates on a channel in the television band, continued use of its pre-auction channel will not adversely impact 600 MHz wireless licensee deployment plans.

Any further requests for waiver of the channel sharing implementation deadline will not be viewed favorably.

⁷ See LMS File No. 0000033838.

The above facts considered, Lincoln Broadcasting Company, LP's request for waiver **IS GRANTED** and the deadline to implement its shared channel operations and to discontinue operations on its pre-auction channel for KTSF, San Francisco, California **IS EXTENDED** to May 14, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. A. Kreisman', with a long horizontal flourish extending to the right.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Lawrence M. Miller, Esq.