



Federal Communications Commission
Washington, D.C. 20554

March 28, 2018

South Florida PBS, Inc.
14901 N.E. 20th Ave.
Miami, FL 33181

Re: Request for Waiver of Deadline to
Implement Shared Channel Operations
WURH-CD, Miami, FL
Facility ID No. 4366
LMS File No. 0000048988

Dear Licensee,

On March 23, 2018, South Florida PBS, Inc. (SFP) submitted the above-captioned request for waiver for WURH-CD, Miami, Florida (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 July 23, 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

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.*

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

SFP 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, SFP notes that it will be sharing with commonly-owned WPBT, Miami, Florida. Another commonly owned station, WXEL-TV, West Palm Beach, Florida is also sharing with WPBT. In support of its second request for waiver, SFP notes that implementation of its shared operations has been delayed because of delays resulting from damage by Hurricane Irma and the resulting delays in establishing connections needed for shared operations. SFP also notes that the Station has already gone silent on its pre-auction channel and will be ready to begin shared operations as soon as the shared facility is complete.

SFP argues that an additional waiver of the channel sharing implementation deadline will not affect the post-auction transition because all Florida stations were assigned to transition phase 2, for which testing cannot begin until December 1, 2018, and the fact that the Station is already silent on its pre-auction channel.

Discussion. Upon review of the facts and circumstances presented, we find SFP's request to extend the channel sharing implementation deadline until July 23, 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, and the fact that the Station is already silent on its pre-auction channel, we find that waiver of the channel sharing implementation deadline will not adversely impact the post-incentive auction transition.

Any further requests for waiver of the channel sharing implementation deadline will not be viewed favorably.⁸

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).

⁷ See LMS File No. 0000040558.

⁸ Further requests to waive the channel sharing implementation deadline must be filed no later than May 23, 2018. *Id.* at 880, para. 70 (requests for waiver of the channel sharing implementation deadline must be filed no later than 60 days prior to the deadline).

The above facts considered, South Florida PBS, Inc.'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 WURH-CD, Miami, Florida **IS EXTENDED** to July 23, 2018.⁹

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: Jack N. Goodman, Esq.

⁹ Because the requested channel sharing implementation deadline falls on Sunday, July 22, 2018, we set Monday, July 23, 2018, as the new deadline. See 47 C.F.R. § 1.4.