



Federal Communications Commission  
Washington, D.C. 20554

February 6, 2019

Trinity Christian Center of Santa Ana, Inc.  
901 S. National Avenue  
Springfield, MO 65897

Re: Request for Waiver of  
Post-Incentive Auction  
MVPD Notification Requirement  
KDOR-TV, Bartlesville, OK  
Facility ID No. 1005  
LMS File No. 0000067596

Dear Licensee,

On February 1, 2019, Trinity Christina Center of Santa Ana, Inc. (Trinity), the licensee of KDOR-TV, Bartlesville, Oklahoma (KDOR-TV or Station) submitted the above-captioned request for waiver of the Station's post-incentive auction multichannel video programming distributors (MVPDs) 90-day notification requirement.<sup>1</sup> For the reasons set forth below, we grant the request for waiver.

*Background.* According to Section 73.3700(d) of the Commission's rules, stations that were repacked as a result of the incentive auction must provide MVPDs written notice of the channel change at least 90-days prior to commencing operations on their reassigned channel.<sup>2</sup> 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>3</sup>

KDOR-TV currently operates on channel 36 and was repacked in the *Closing and Channel Reassignment Public Notice* to channel 17 and assigned to transition Phase 2. Phase 2 has a testing period start date of December 1, 2018 and phase completion date of April 12, 2019. KDOR-TV is located in the Tulsa, Oklahoma Designated Market Area (Tulsa DMA). Two other stations in the Tulsa DMA, KRSU-TV, Claremore, Oklahoma and KWHB(TV), Tulsa, Oklahoma, were repacked and also assigned to Phase 2. All three stations are part of a linked-station set (LSS 11) and have direct dependencies between one another. In order to prevent an increase in temporary pairwise interference beyond the two percent

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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, 2811, para. 72 (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, 875-6, para. 51 (IATF & MB 2017) (*Broadcast Transition Procedures Public Notice*); 47 CFR § 73.3700(d).

<sup>2</sup> *Id.*

<sup>3</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).

permitted by our rules,<sup>4</sup> KDOR-TV must transition to its post-auction channel at the same time as or after KRSU-TV and at the same time as or before KWHB.<sup>5</sup>

KDOR-TV states that both KWHB and KRSU-TV are prepared to transition to their post-auction channel on February 11, 2019. KDOR-TV states that it can facilitate that schedule and be ready to also transition by that date. However, Trinity states that it previously planned to transition on April 12, 2019, and timely provided KDOR-TV's MVPD notices listing that as the post-auction transition. Thus, if KDOR-TV were to transition on February 11, 2019, it could not satisfy the Commission's rule requiring 90-day notice to MVPDs. Trinity states that it has sent revised transition notification letters to each impacted MVPD and has included with its request for a waiver of the 90-day requirement, written confirmation from each impacted MVPD confirming that moving KDOR-TV's transition date from April 12 to February 11, 2019, will not impact any MVPD's ability to continue to provide KDOR-TV programming to subscribers. According to Trinity, grant of its waiver request will allow all Phase 2 stations in the Tulsa DMA to transition on the same day and create a signal rescan date for the DMA. Trinity also notes that it commenced its required 30-day viewers notifications on January 11, 2019.

*Discussion.* Upon review of the facts and circumstances presented, we find that waiver of the post-incentive auction MVPD notification requirement for KDOR-TV is appropriate. Trinity has mailed revised notification letters to all impacted MVPDs indicating a February 11, 2019, post-auction transition. Trinity has also received confirmation from all impacted MVPDs that a change in transition date from April 12 to February 11, 2019, will not impact any MVPD's ability to continue to carry KDOR-TV programming to their subscribers. Therefore, we find that the public interest would be advanced by waiving KDOR-TV's MVPD notice requirement and allowing KDOR-TV, KWHB and KRSU-TV to move to their post-auction channels as part of a single DMA-wide transition on February 11, 2019.

Accordingly, Trinity's request for waiver of the post-incentive auction MVPD notification requirement for KDOR-TV, Bartlesville, Oklahoma, **IS GRANTED.**

Sincerely,



Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc:  
Colby May, Esq.

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<sup>4</sup> See *Incentive Auction Task Force and Media Bureau Adopt a Post-Incentive Auction Transition Scheduling Plan*, MB Docket No. 16-306 and GN Docket No. 12-268, 32 FCC Rcd 890897, para. 16 (MB 2017).

<sup>5</sup> Station KSNF, Joplin, MO is also a part of LSS 11. KSNF directly linked and downstream of station KDOR-TV. Therefore, KDOR-TV must transition at the same time as or before KSNF.