

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re Application of)	
)	
NEW YORK SPECTRUM HOLDING)	LMS File No. 0000010773
COMPANY, LLC)	
)	Facility ID 29233
For Extension of Time to Construct)	
Displacement Facilities for Low Power)	
Television Station WNXV-LD)	
To: Chief, Video Division		
Media Bureau		

PETITION FOR RECONSIDERATION

1. New York Spectrum Holding Company, LLC (“NYSHC”) hereby petitions for reconsideration of the action of the Video Division of May 19, 2016, dismissing the above-captioned application for an extension of time to complete construction of displacement facilities for Low Power Television Station WNXV-LD, New York, NY, under File No. BDISDVL-20101004ACS (“Extension Application”).¹

2. There is no correspondence, notification, or other document in CDBS or LMS that indicates the reason for dismissal. NYSHC believes, based on informal communication with the Video Division Staff, that the Extension Application was dismissed because the underlying construction permit expired before the extension was requested, which in fact is not so.

3. The only available public record of the expiration date is in CDBS, which states that the previous extension expired on June 1, 2016. A screen shot of the CDBS page is

¹ No public notice has been issued announcing the denial, and no letter was issued stating that the Extension Application was dismissed. The only evidence of dismissal is an entry in LMS. This Petition for Reconsideration is being filed within 30 days of the date noted in LMS and thus is timely filed.

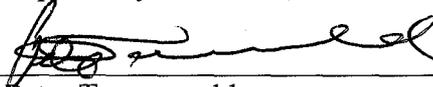
attached. The Extension Application was filed on May 10, 2016, well in advance of the expiration date.

4. The Extension Application was only the second extension requested by NYSHCO. Moreover, the extension request was well supported in an exhibit, explaining that an extension until after the incentive auction and announcement of whether the displacement channel will remain available for LPTV use would consistent with the Commission's several policy pronouncements allowing LPTV licensees to postpone significant facilities investments until the results of the impending spectrum repack are known.

5. Since the Extension Application was timely filed and well supported, the Commission has issued no document explaining the reason for dismissal, and the dismissal appears to have been based on a mistake of fact, NYSHCO respectfully requests that the application be reinstated and granted.

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Respectfully submitted,



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Spectrum Holding Company, LLC

June 17, 2016



Application Search Details

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Application Search Details

File Number: BEP-20150901ADM
Call Sign: WNXV-LD
Facility Id: 29233
FRN: 0021234943
Applicant Name: NEW YORK SPECTRUM HOLDING COMPANY, LLC
Frequency:
Channel: 10
Community of License: NEW YORK, NY
Application Type: CP EXTENSION
Status: GRANTED
Status Date: 09/03/2015
Expiration Date: 06/01/2016
Tolling Code:
Application Service: LD
Disposed Date: 09/03/2015
Accepted Date: 09/02/2015
Last Public Notice: 09/10/2015
Last Report Number: 48569
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Legal Actions [View Legal Actions](#)
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