

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re Application of)	
)	
NEW YORK SPECTRUM HOLDING)	LMS File No. 0000010774
COMPANY, LLC)	
)	Facility ID 38945
For Extension of Time to Construct)	
Displacement Facilities for Low Power)	
Television Station WYXN-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 WYXN-LD, New York, NY, under File No. BDISDVL-20091125AAH (“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. The CDBS system shows an expiration date of May 9, 2016, one day prior to filing the extension application. However, the

¹ No public notice has been issued announcing the dismissal, and no letter was issued or automated notice sent by LMS 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.

Commission never notified NYSHC of this deadline, either by direct notice to NYSHC or by public notice.

3. A previous extension application, CDBS File No. BEP-20150901ADL, was granted by the Commission by a letter ruling, dated November 9, 2015, denying an Informal Objection against that extension request. The Commission's letter did not specify that the grant was for only six months after the date of the letter,² even though NYSHC had requested 12 months because of the timing of the incentive auction.³ The public notice of grant of the extension⁴ did not indicate any expiration date. There is no link at all to BEP-20150901ADL in LMS, and the "Authorization" link in CDBS leads to a page stating "AUTHORIZATION NOT YET CREATED BY MB." The only available public record of the expiration date is under an Application Search in CDBS, which is something that a licensee does not normally undertake.

4. The Extension Application was only the second extension requested by NYSHC. 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 be consistent with the Commission's several policy

² The only place that NYSHC has been able to find the letter on the Commission's website is in the Correspondence Folder under Station Search in CDBS.

http://licensing.fcc.gov/cgi-bin/prod/cdbs/forms/prod/getimportletter_exh.cgi?import_letter_id=61791
The letter is not in posted LMS or in the CDBS Correspondence or Legal Proceedings folders associated with BEP-20150901ADL. NYSHC does not claim that it did not receive the letter but only that neither the letter nor any public or private notice made mention of an expiration date different from what NYSHC had requested.

³ The exhibit to BEP-20150901ADL stated: "AN EXTENSION OF 12 RATHER THAN 6 MONTHS IS REQUESTED BECAUSE THE INCENTIVE AUCTION WILL NOT HAVE BEGUN 6 MONTHS FROM NOW, SO REPACKING AND DISPLACEMENT RESULTS WILL NOT BE KNOWN AT THAT TIME."

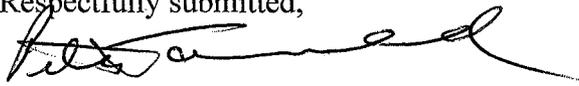
⁴ Broadcast Actions, Report No. 48611, released November 13, 2015.

pronouncements allowing LPTV licensees to postpone significant facilities investments until the results of the impending spectrum repack are known.⁵

5. Since the Extension Application was well supported, and the Commission did not inform NYSHC of the May 9, 2016, expiration date, NYSHCO respectfully requests that the Extension Application be reinstated and granted.

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Respectfully submitted,



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⁵ Even though access to the displacement channel is not guaranteed, if that channel is needed by a full power or Class A station after the spectrum repack, having even a limited right to access to a displacement channel is likely to be critically important in New York, the nation's largest market, where the post-repack spectrum is likely to be very crowded.