



Federal Communications Commission
Washington, D.C. 20554

April 10, 2019

White Knight Broadcasting of Shreveport License Corp.
Anthony J. Malara
316 Willow Glen Drive
Oak Hill, VA 20171

Re: Request for Modification and
Waiver of Phase Assignment
KSHV-TV, Shreveport, LA
Facility ID No. 73706
LMS File No. 0000069601

Dear Licensee,

On April 2, 2019, White Knight Broadcasting of Shreveport License Corp. (White Knight), the licensee of KSHV-TV, Shreveport, Louisiana (KSHV-TV or Station) filed a *Request for Modification and Waiver of Phase Assignment* requesting to modify the post-incentive auction transition phase assigned to the station in the *Closing and Channel Reassignment Public Notice* from Phase 2 to Phase 3.¹ For the reasons below, we grant KSHV-TV's request for waiver and modify the Station's phase assignment to Phase 3, as conditioned herein.

Background. Pursuant to the *Transition Scheduling Adoption Public Notice*, individual stations may request waiver and modification of their phase assignment.² 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.³ The Media Bureau (Bureau) has stated it will evaluate such requests on a case-by-case basis to assess the impact on the transition schedule, including the impact on other broadcasters as well as viewers, in order to facilitate a timely and orderly transition.⁴ The Bureau determined that it would view favorably requests that are compliant with the Commission's rules and

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 (WTB & MB 2017) (*Closing and Channel Reassignment Public Notice*). See LMS File No. 0000069601, KSHV TV STA Waiver (Waiver Request).

² 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 890, 912-14, paras. 47-52 (MB 2017) (*Transition Scheduling Adoption Public Notice*).

³ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); 47 CFR § 1.3 (waiver for good cause shown). See also *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 913-14, para. 51 and n.171.

⁴ See *id.* at 912-14, paras. 49-52. See also *Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Broadcast Transition*, 32 FCC Rcd 858, 881-82, para 73 (MB 2017).

have little or no impact on the transition schedule.⁵ Requests that the staff determines would be likely to delay or disrupt the transition schedule will be viewed unfavorably.⁶

KSHV-TV is currently licensed to operate on channel 44. The Station was reassigned to channel 16 in the *Closing and Channel Reassignment Public Notice* and assigned to transition Phase 2, which has a phase testing period start date of December 1, 2018, and a phase completion date of April 12, 2019. The Station is located in the Shreveport, Louisiana, Designated Market Area (Shreveport DMA). A total of seven stations, including KSHV-TV, were repacked in the Shreveport DMA, with five stations assigned to Phase 2, and two stations assigned to Phase 10. White Knight states it is unable to complete construction its post-auction facility because of construction delays resulting from equipment delivery and tower rigging delays.⁷ Tower rigging work on KSHV's tower is not expected to commence until after the Phase 2 phase completion date.⁸ Absent grant of the instant waiver, White Knight states that KSHV-TV would have to go dark.⁹ As a result, White Knight seeks to have KSHV-TV's transition phase modified from Phase 2 to Phase 3, which has a testing period start date of April 13, 2019, and phase completion date of June 21, 2019.

White Knight states that this phase change will not create any new linked-station sets or result in increased pairwise interference greater than two percent during the transition period.¹⁰ In order to minimize impact on viewers as a result of the modification to the Station's assigned phase, White Knight has agreed to provide additional consumer outreach beyond what is required by the Commission's rules to include digital and social media. White Knight will also provide viewers information on how to rescan on the Station's website and social media pages.¹¹

Discussion. Upon review of the facts and circumstances presented, we find that White Knight's request to modify the phase assignment for KSHV-TV to transition to its post-auction channel in Phase 3 satisfies the requirement for a waiver and is in the public interest. We agree that the change to the Station's transition phase should not have an adverse impact on the overall transition schedule or a negative impact on other stations or viewers. Staff has confirmed that the phase change will not create any new linked station sets or direct dependencies. While the total number of rescan periods in the Shreveport DMA will increase from two to three, which is one more than the two rescan periods per DMA limitation used in the tool adopted by the Bureau in the *Transition Scheduling Adoption Public Notice* to assign stations to transition phases,¹² White Knight has committed to put in place viewer outreach programs beyond those required by the Commission rules. As a result, we find the facts and

⁵ *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 912-13, para. 49 and n.163.

⁶ *Id.*; *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines, Public Notice*, 33 FCC Rcd 8240, 8244-45, para. 14 (IATF & MB 2018) (*Transition Reminder Public Notice*).

⁷ Waiver Request 1-2.

⁸ *Id.* at 2.

⁹ *Id.*

¹⁰ *Id.* See *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 897, para. 16 (allowing temporary increased pairwise (station-to-station) interference of up to two percent during the transition period).

¹¹ Waiver Request at 2.

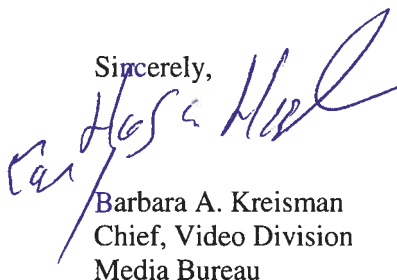
¹² See *Transition Scheduling Adoption Public Notice*, 32 FCC Rcd at 898-99, paras. 20-21 (establishing a two rescan periods per DMA limitation when assigning stations to transition phases).

circumstances discussed above outweigh any viewer burden caused by an additional rescan period in the Shreveport DMA or a short delay in access by wireless providers to the 600 MHz band.

We remind White Knight that pursuant to the Spectrum Act, the Station is eligible for reimbursement from the TV Broadcast Relocation Fund (Fund) of costs “reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other.” Additional expenses incurred such as expenses resulting from changes in a Station’s transition plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund.

Accordingly, we **GRANT** White Knight’s *Request for Modification and Waiver of Phase Assignment* and modify the transition phase assignment for KSHV-TV **from Phase 2 to Phase 3**, subject to all the commitments made in its waiver request and compliance with all Commission rules applicable to transitioning stations.¹³ Testing on the Station’s post-auction channel **may not begin until 12:01 am local time on April 12, 2019**, and KSHV-TV is required to cease operating on its pre-auction channel **no later than 11:59 pm local time on June 21, 2019**.¹⁴ The Station’s construction permit expiration date will also be modified to correspond to its new phase completion date.¹⁵

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

Cc: (via electronic mail):
Stuart Shorestein, Esq.

¹³ See generally 47 CFR § 73.3700 and *Transition Reminder Public Notice*, 33 FCC Rcd 8240.

¹⁴ Each transition phase has a designated testing period on which a station in that phase may begin testing equipment on its new channel and a designated phase completion date when a station must cease operation on its pre-auction channel. The phase completion date is the date that will be listed in that station’s construction permit as its construction deadline and is the date the station must cease operation on its pre-auction channel. See *Closing and Channel Reassignment Public Notice*, 32 FCC Rcd 2806, para. 64. A station that commences testing on its post-auction channel before the beginning of its assigned testing period will be operating in violation of Commission rules.

¹⁵ *Id.* (“The phase completion date is...[also] the date listed in each station’s construction permit as its construction deadline”). If a station must commence operations on its post-auction channel at variance from the parameters authorized in its construction permit, it must file for and be granted special temporary authority prior to commencing operations. See 47 CFR § 73.1635. A station that needs additional time to complete construction of its post-auction facility beyond its construction permit expiration date must file for a 180-day extension of its construction permit in accordance with Section 73.3700(b)(5)(iv). Stations needing additional time to construct after a 180-day extension is granted, will be subject to the Commission’s tolling provisions. 47 CFR § 73.3700(b)(5)(iv). Grant of an extension of time to construct does not relieve a station of the requirement that it ceases operation on its pre-auction channel by its assigned phase completion date.