



Federal Communications Commission  
Washington, D.C. 20554

September 2, 2020

Ventura Media Communications, LLC  
c/o Kathleen Victory  
Fletcher, Heald & Hildreth, PLC  
1300 N. 17th Street  
Suite 1100  
Arlington, VA 22209

Re: KPIF(DT), Pocatello, Idaho  
Fac. ID No. 86205  
LMS File No. 0000112641

Counsel:

This letter grants the above-captioned unopposed Application for Renewal of Broadcast Station License (Renewal Application) filed by Ventura Media Communications, LLC (Ventura Media or Licensee), to renew the license of television station KPIF(DT), Pocatello, Idaho (KPIF or Station), and in connection therewith, grants a waiver of the renewal application deadline set forth in section 73.3539(a) of the Commission's rules,<sup>1</sup> and waives Ventura Media's unauthorized operation of KPIF in violation of section 301 of the Communications Act of 1934, as amended (the Act).<sup>2</sup>

*Background.* On June 2, 2017, the Commission entered into a Consent Decree with the Licensee's predecessor, Pocatello Channel 15, LLC (Pocatello), in order to resolve certain issues that arose during the prior license term.<sup>3</sup> Under the Consent Decree, the Station's prior license renewal application was granted on a short-term basis, with an expiration date of July 10, 2019. Pursuant to section 73.3539(a), the deadline for Ventura Media to file the Renewal Application was March 10, 2019.<sup>4</sup>

At the time the Consent Decree was entered into, an automatically generated License Renewal Authorization was inadvertently posted to the Commission's CDBS Public Access database (CDBS),

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<sup>1</sup> 47 CFR § 73.3539(a).

<sup>2</sup> 47 U.S.C. § 301. Ventura Media's Renewal Application also requests a waiver of fines resulting from violations of 47 CFR § 73.3539(a) and 47 U.S.C. § 301. Given that this letter grants a waiver for both these violations, such a waiver is unnecessary.

<sup>3</sup> *Pocatello Channel 15, LLC*, Consent Decree, 32 FCC Rcd 4705 (2017) (*Consent Decree*).

<sup>4</sup> During the pendency of the short-term renewal period, Pocatello assigned the license for KPIF to Ventura Media. See KPIF Assignment Application, File No. BALCDT-20171127ABU (filed February 26, 2018); KPIF Consummation Notice, File No. BALCDT-20171127ABU (filed March 30, 2018).

which erroneously stated that the Station's license did not expire until October 1, 2022. On March 5, 2020, Media Bureau (Bureau) staff notified the Licensee of the error. Thereafter, on April 24, 2020, Ventura Media promptly filed the present license Renewal Application. In an attachment to its Renewal Application requesting a waiver, Ventura Media explained that it had relied on the License Renewal Authorization available in the Commission's database which showed a full-term renewal, and only became aware that KPIF's license had expired after being notified of the error.<sup>5</sup>

*Discussion.* Section 73.3539(a) of the Commission's rules<sup>6</sup> requires that an application for renewal of a broadcast license must be filed "not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed," and section 301 of the Act<sup>7</sup> prohibits the use or operation of "any apparatus for the transmission of energy or communications or signals by radio..." within the United States without a license granted by the Commission. The Commission may, however, waive any provision of its rules on its own motion and for good cause shown.<sup>8</sup> A rule may be waived for good cause where particular facts make strict compliance inconsistent with the public interest.<sup>9</sup> Specifically, a waiver is appropriate when: (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.<sup>10</sup>

We find good cause to waive both the filing deadline set forth in section 73.3539(a) of the Commission's rules and the Station's unauthorized operation in violation of section 301 of the Act that occurred after it missed the renewal deadline. First, we find that the incorrect deadline posted to CDDBS, combined with the fact that the Licensee relied on this incorrect deadline, constitute special circumstances warranting a deviation from standard practice. Specifically, such circumstances warrant waivers of the Licensee's late filing and operation of KPIF without valid authorization. We also find that such deviation will serve the public interest. In particular, the record shows that the Licensee has substantially complied with the Commission's rules and regulations since becoming licensee of KPIF in March of 2018, and that the Licensee promptly filed the present Renewal Application once it was notified of the error in CDDBS.<sup>11</sup> We note that our decision is solely limited to the specific facts and circumstances presented herein and we expect licensees to adhere to all licensing requirements and filing deadlines, including deadlines contained in consent decrees or other Commission orders.

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<sup>5</sup> See Renewal Application, Waiver Request, File No. 0000112641 (filed April 24, 2020).

<sup>6</sup> 47 CFR § 73.3539(a).

<sup>7</sup> 47 U.S.C. § 301.

<sup>8</sup> 47 CFR § 1.3.

<sup>9</sup> See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

<sup>10</sup> *Id.*

<sup>11</sup> See Renewal Application, Waiver Request, File No. 0000112641 (filed April 24, 2020).

**ACCORDINGLY, IT IS ORDERED** that the request for waivers of the renewal application deadline and Licensee's unauthorized operation of KPIF **IS GRANTED. IT IS FURTHER ORDERED** that the Application for Renewal of Broadcast Station License filed by Ventura Media Communications, LLC, to renew the license for station KPIF, Pocatello, Idaho (LMS File No. 0000112641), **IS GRANTED**, and **SHALL EXPIRE on October 1, 2022.**

Sincerely,

/s/

David Brown  
Deputy Chief, Video Division  
Media Bureau