

Per FCC Rule 25.119(j), Alpha Media Licensee LLC (“Alpha”) and First Media Services, LLC (“First Media,” and together with Alpha, the “Parties”) hereby provide notice that Alpha assigned receive-only C-band earth station E191368 to First Media on December 14, 2018. The earth station is used in conjunction with broadcast radio operations for a cluster of stations in the Bluefield, West Virginia area.

Under FCC Rule 1.3, the Parties also request waiver of the 30-day notice period of Rule 25.119(j). The agency may grant a waiver for good cause shown.¹ The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.² In granting a waiver, the FCC may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.³ Waiver is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.

Good cause exists to grant waiver here. First, the absence of notification was inadvertent, as Alpha registered the earth station in the midst of a larger transaction. Specifically, the Parties filed for Commission permission to assign seven Bluefield-area radio stations from Alpha to First Media on September 14, 2018. See CDBS Lead File No. BAL-20180914AAQ. A month later, during the Commission’s C-band registration window, Alpha filed to register the earth station at issue. See SES-REG-20181009-04992. The Commission granted the assignment on November 1, 2018, and the Parties consummated the transaction December 14, 2018. When the Parties filed notice of consummation for the radio stations in CDBS, they understandably overlooked the need to notify the Commission about the then-pending earth station registration application.

Second, the Commission has permitted waiver of the 30-day period in 25.119(j) in similar situations. See IDBS File No. SES-ASG-20200819-00895, Call Sign E170001 (granted Aug. 20, 2020). Finally, given that registration of C-band earth stations remains optional, the impact of the requested waiver is *de minimis*.

Accordingly, for these reasons, waiver is warranted here.

¹ 47 C.F.R. § 1.3.

² *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

³ *WAIT Radio v. FCC*, 419 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.