

## **REQUEST FOR RULE WAIVER**

News 12 The Bronx, L.L.C. (“News 12”) hereby requests waiver of Section 25.161(c) of the FCC’s rules so that its license for station E060425 (the “License”) is temporarily reinstated while it replaces equipment made inoperable in Superstorm Sandy. Administrative efficiency favors permitting News 12 to retain the License if it uses electrically identical equipment rather than later applying for a new license for the same station.

News 12 produces local news and traffic programming for cable and related media outlets. It operated the License to cover its use of a truck-mounted satellite earth station to transmit video feeds from news and traffic events to production facilities. The facilities associated with the License were rendered unusable in Superstorm Sandy on October 29, 2012.<sup>1/</sup> News 12 plans to, but has not yet, replaced the truck and associated satellite transmit earth station.

Section 25.161(c) of the rules states that a “station license shall be automatically terminated...upon...[t]he removal or modification of the facilities which renders the station not operational for more than 90 days, unless specific authority is requested.” Accordingly, under the rules, the License terminated on January 28, 2013. News 12 asks for a waiver of the rules so that the License is reinstated to the extent required, remains valid and does not terminate for another five months, or until June 29, 2013.

Section 25.118(b) of the rules provides that licensees are not required to obtain a new license for replacement facilities that are “electrically identical.” However, News 12 will be unable to take advantage of this provision of the rules if the License is terminated before it secures a replacement station. Grant of the requested waiver will allow the station to remain out of operation for eight months so that the current License can then apply to the new equipment.<sup>2/</sup> Otherwise, News 12 will be required to take the administratively inefficient step of re-applying for the same license that was cancelled under rule Section 25.161(c) for lack of operation.

If there are questions regarding this request for rule waiver, the Commission is asked to contact counsel for News 12, Russell Fox of Mintz Levin at 202.434.7483 or [RFox@mintz.com](mailto:RFox@mintz.com)

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<sup>1/</sup> Although the earth station was not operational after October 29, 2012, News 12 first attempted to repair the station before it determined that the facilities were unusable. After the truck received severe damage during the superstorm, it was towed and evaluated first by mechanics and then by a vehicle integrator in order to test the equipment. The earth station was declared damaged beyond repair approximately three weeks after the superstorm.

<sup>2/</sup> News 12 recognizes that if the replacement equipment is not electrically identical it will be required to either amend the License or seek a new authorization for the replacement station.