KVUE Television, Inc.
FCC Form 312
SES-MOD-INTR2018-08065

REQUEST FOR WAIVER OF TEMPORARY FILING FREEZE

KVUE Television, Inc. ("Applicant") hereby requests that the International Bureau waive its temporary freeze on the filing of applications to modify fixed-satellite service receive-only earth station registrations in the 3.7-4.2 GHz frequency band (the "C-Band Freeze")[1] to the extent necessary to permit Applicant to add the antenna specified in the instant application for Site ID 2 (antenna ID "KVUE Trans") to existing receive-only earth station E060176 (the "Backup Antenna").[2]

Applicant is the licensee of television station KVUE, Austin, Texas, and an indirect wholly owned subsidiary of TEGNA Inc. ("TEGNA"). Applying lessons learned after TEGNA station KHOU, Houston, Texas, lost its studio to flooding during Hurricane Harvey,[3] TEGNA determined in early 2018 — prior to the release of the *C-Band Freeze PN* — to establish a satellite downlink at KVUE's transmitter to maximize the station's ability to remain on the air even in the event of a disaster requiring the evacuation of KVUE's main studio. Funding for the new downlink was secured in July 2018, with construction completed the next month. The Backup Antenna became operational on August 21, 2018.

As the *C-Band Freeze PN* recognizes, "[w]aiver of the Commission's rules is appropriate where particular facts make strict compliance with a rule inconsistent with the public interest, special circumstances warrant a deviation from the general rule, and the waiver does not undermine the validity of the general rule."[4] Here, grant of the requested waiver will best serve the public interest because protecting the Backup Antenna bolsters Applicant's ability to continue broadcasting critical emergency information to Austin-area viewers during a severe weather event or other disaster. Moreover, permitting KVUE to register the Backup Antenna will not undermine the purpose of the C-Band Freeze, which is to "preserve the options available to the Commission for consideration of additional uses of the band while limiting the potential for speculative applications that might be filed in anticipation of potential future actions by the Commission."[5] In this case, Applicant had determined to establish the Backup Antenna prior to the release of the *C-Band Freeze PN*, thus demonstrating that the instant application was not filed for speculative purposes. In addition, Applicant has completed the coordination process for the Backup Antenna and determined that it will not cause unacceptable interference to existing or proposed C-Band users. Thus, the addition of the Backup Antenna to Applicant's existing earth

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[1] *Temporary Freeze on Applications for New or Modified Fixed Satellite Service Earth Stations and Fixed Microwave Stations in the 3.7-4.2 GHz Band; 90 Day Window to File Applications for Earth Stations Currently Operating in 3.7-4.2 GHz Band*, Public Notice, DA 18-398 (April 19, 2018) ("*C-Band Freeze PN*").

[2] The instant application also seeks the addition of an antenna specified for Site ID 1 (antenna ID 7.3), which was constructed and operational as of April 19, 2018. The registration of the antenna specified for Site ID 1 thus does not require a waiver of the C-Band Freeze.

[3] *See* Michelle Homer, "#KHOUStronger: Harvey destroyed our building, not our spirit," https://www.khou.com/article/weather/harvey-anniversary/khoustronger-harvey-destroyed-our-building-not-our-spirit/285-482517095 (last visited Oct. 16, 2018).

[4] *C-Band Freeze PN* at 4 (citing *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-28 (D.C. Cir. 2008); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular Tel Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)). *See also* 47 C.F.R. § 1.3.

[5] *C-Band Freeze PN* at 3.

station registration would have little effect on the C-Band environment or the Commission's options for the band.

For the reasons set forth above, the International Bureau should waive the C-Band Freeze to the extent necessary to permit Applicant to add the Backup Antenna to its existing registration for earth station E060176.