

**Terre Haute TV License Company, LLC (“Terre Haute”)
Call Sign E190200
Request for Limited Waiver of C-Band Earth Station Freeze**

Per FCC Rules 25.117 and 1.3, Terre Haute files this modification application and limited waiver request to request permission to correct the GPS coordinates of two of its incumbent registered receive-only C-band antennas under Call Sign E190200 (the “Incumbent Antennas”) used in conjunction with broadcast television station WTHI-TV. The registration provides that Terre Haute operates five C-band antennas at the WTHI-TV facility,¹ however two of these antennas are more accurately located at the station’s transmitter site outside of the city of Terre Haute.

Terre Haute requests that the FCC grant a limited waiver of Section 25.138(a) of the Commission’s rules, prohibiting modification applications for C-band earth stations within the contiguous United States.² Under FCC Rule 1.3, the agency may grant a waiver for good cause shown.³ The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.⁴ 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.⁵ 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 waive the restriction on C-band modifications to permit the correction of these coordinates. The instant application seeks to update the registration to more accurately reflect the C-band earth station operations at both the WTHI-TV facility, as well as at its transmitter site. Grant of the modification, including retention of incumbent status, will serve the public interest by allowing Terre Haute to ensure the continuity and quality of WTHI broadcasts to its local viewers. The correction of these coordinates will result in “no more than a *de minimis* change to the existing landscape of authorized operations in the [C-band].”⁶ Moreover, since the modification is a minor correction to GPS coordinates, grant of this waiver will not undermine

¹ See *Policy Branch Information; Actions Taken*, Report No. SES-002221, File No. SES-REG-20180813-03869 (Nov. 27, 2019) (Public Notice).

² 47 C.F.R. 25.138(a); see also *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*, Public Notice, DA 18-398, at 1 (rel. Apr. 19, 2018) (“*April 2018 Freeze PN*”).

³ 47 C.F.R. § 1.3.

⁴ *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

⁵ *WAIT Radio v. FCC*, 419 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

⁶ *Alaska Communications Internet LLC Request for Waiver of Temporary Freeze on Applications for New or Modified Fixed Satellite Service Earth Stations in the 3.7-4.2 GHz Band*, Order, DA 19-726, ¶ 6 (rel. Aug. 1, 2019) (“*ACI Order*”).

the objectives of the Section 25.138.⁷ The modification will not disadvantage any prospective bidders in Auction 107, as the application is being made “well in advance of the C-band auction and can be considered by bidders.”⁸

Accordingly, grant of the instant application, including retention of incumbent status, is limited in scope and serves the public interest by ensuring Terre Haute can continue providing important broadcast services to the Indiana community.⁹ Therefore, Terre Haute requests limited waiver of Section 25.138 of the Commission rules to complete a correction to the accuracy of the location of WTHI-TV’s registered, incumbent C-band antennas.

⁷ *Id.*; 47 C.F.R. § 25.138(a).

⁸ *International Bureau Releases List of Incumbent Earth Stations in the 3.7-4.2 GHz Band in the Contiguous United States*, Public Notice, DA 20-823, at 5 (rel. Aug. 3, 2020).

⁹ *ACI Order*, at ¶ 5.