

**California TV License Company, LLC (“California TV”)
Call Sign E859863
Request for Limited Waiver of C-Band Earth Station Freeze**

Per FCC Rules 25.117 and 1.3, California TV files this modification application and limited waiver request to request permission to correct the GPS coordinates of its incumbent registered receive-only C-band antenna under Call Sign E859863 (the “Incumbent Antenna”) used in conjunction with broadcast television station KHSL-TV. The registration provides that California TV’s C-band antenna is located in the middle of Interstate 5,¹ however the antenna is actually located at the KHSL-TV station facility.

California TV 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 the KHSL-TV facility. Grant of the modification, including retention of incumbent status, will serve the public interest by providing participants in Auction 107 a more accurate understanding of the C-band facilities in the license area while ensuring the continuity and quality of KHSL-TV broadcasts to its local viewers. Grant of 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.”⁶

¹ See File No. SES-RWL-20060209-00219.

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).

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 *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).

Moreover, since the modification is a minor correction to GPS coordinates, grant of this waiver will not undermine the objectives of Section 25.138.⁷ 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].”⁸

Accordingly, grant of the instant application, including retention of incumbent status, is limited in scope and serves the public interest by ensuring the accuracy of the C-band landscape ahead of Auction 107 and by ensuring California TV can continue providing important broadcast services to the California community.⁹ Therefore, California TV requests limited waiver of Section 25.138 to enable a correction to the accuracy of the location of KHSL-TV’s registered, incumbent C-band antenna.

⁷ *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); 47 C.F.R. § 25.138(a).

⁸ *Id.*

⁹ *Id.*, at ¶ 5.