

**Gray Television License, LLC (“Gray”)
Call Sign E180611
Request for Limited Waiver of C-Band Earth Station Freeze**

Per FCC Rules 25.117 and 1.3, Gray files this modification application and limited waiver request to request permission to move five of its incumbent registered receive-only C-band antennas under Call Sign E180611 (the “Incumbent Antennas”) used in conjunction with broadcast television station WBTW as part of a facilities consolidation in Charlotte, North Carolina.

The instant application seeks limited waiver of Section 25.138(a) of the Commission’s rules, declining applications for new and modified C-band earth station applications within the contiguous United States.¹ Under FCC Rule 1.3, the agency may grant a waiver for good cause shown.² The Commission typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.³ 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.⁴ Waiver is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.

Here, for several reasons, good cause exists for waiver of the bar on C-band modifications. For one, the relocated earth station represents a minor change to the current landscape of authorized C-Band operations. The Commission recently granted specific requests of broadcasters to update their C-band registrations that had been relocated since their grant, as “[s]uch changes in locations are still well in advance of the C-band auction and can be considered by bidders.”⁵ The instant application seeks to update the registration for the Incumbent Antennas for an across-the-street move well in advance of the C-band auction. Indeed, the application actually *increases* the efficiency of the C-band transition by proposing to reduce the number of registered antennas under Call Sign E180611 from seven to five. The move is an important part of Gray’s

¹ 47 C.F.R. § 25.138(a); *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*”).

² 47 C.F.R. § 1.3.

³ *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

⁴ *WAIT Radio v. FCC*, 419 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

⁵ *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) (“*Incumbent Earth Station PN*”).

consolidation of broadcast facilities in Charlotte and demonstrates Gray's commitment to efficiently serve its viewers.⁶

Moreover, as an across-the-street move that reduces the number of registered antennas, the proposed modification is limited in scope. Thus, any potential impacts on the C-band environment will be no more than *de minimis* and grant of this waiver will not undermine the objectives of Section 25.138.⁷

Accordingly, grant of the instant application, including retention of incumbent status, will serve the public interest by allowing Gray to ensure the continuity and quality of WBTB broadcasts to its local viewers. Gray has undertaken the relocation in the ordinary course of business as part of a long-planned consolidation of Charlotte-based broadcast facilities. The relocation will enable Gray to efficiently manage its local broadcast assets without causing any service interruptions to customers and minimal alteration to the current landscape of authorized C-band operations, pursuant to the Commission's *C-Band Order*.⁸

Gray requests limited waiver of Section 25.138 of the Commission's rules to accomplish a minor, intra-city move and modify its registered, incumbent C-band earth stations. For the reasons above, grant would serve the public interest.

⁶ See Comments of Gray Television, Inc. et al., GN Docket Nos. 18-122 and 17-183 (filed Oct. 29, 2018).

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 See *C-band Order*.