

Request for Waiver

Pursuant to Section 1.3 of the FCC's rules, ION Television License, LLC ("ION") hereby requests a waiver of the FCC's temporary filing freeze on earth station registrations to the extent necessary to file and process this application.

On April 19, 2018, the FCC announced a temporary freeze on the filing of receive-only earth station registrations.¹ At the same time, the FCC opened a 90-day window during which existing earth stations could register in the FCC's International Bureau Filing System ("IBFS") database. The purpose of the filing window was so existing earth stations could be registered, thereby informing the FCC's pending inquiry addressing new opportunities in the 3.7–4.2 GHz band.² This 90-day filing window was extended twice and closed on October 31, 2018.³ As the owner of numerous television stations in multiple markets, ION filed a consolidated application to register its earth stations pursuant to the *Earth Station Freeze Notice*. Due to an inadvertent oversight, however, two earth stations were accidentally omitted from ION's consolidated registration form.

The Commission grants waivers for "good cause shown." The Commission will grant waivers when "(a) the particular facts make strict compliance inconsistent with the public interest, (b) special circumstances warrant a deviation from the general rule, and (c) such deviation will serve the public interest."⁴ In evaluating waiver requests, the Commission considers, among other things, whether a waiver will result in "more effective implementation of overall policy" than enforcing its rule as written.⁵ This waiver request meets that standard: grant of this request will allow ION to register additional existing earth stations in the FCC's IBFS database. Grant of the waiver will benefit the FCC and the public, as it will allow the FCC to have a more fulsome understanding of the current use of the 3.7-4.2 GHz band. Grant of the waiver will also cause no harm to the Commission's processes for two reasons. First, ION's initial consolidated earth station registration is still pending so allowing ION to add two additional registrations will not change any analysis or review of the current status of the 3.7-4.2 GHz band. Second, the Commission is still evaluating the future use of the 3.7-4.2 GHz band so no party will be prejudiced by allowing ION's registrations to be processed.

For the reasons set forth above, ION requests a waiver of the FCC's temporary filing freeze to the extent necessary to process the instant application. ION will provide any additional information necessary as requested by FCC staff.

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*, GN Docket Nos. 17-183, 18-122, Public Notice, DA 18-398 (rel. April 19, 2018) ("*Earth Station Freeze Notice*").

² *Earth Station Freeze Notice* at 1-2.

³ See, e.g., *International Bureau Announces Two-Week Extension of Filing Window for Earth Stations Currently Operating in 3.7-4.2 GHz Band*, GN Docket No. 18-122, Public Notice, DA 18-1061 (rel. Oct. 17, 2018).

⁴ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁵ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.