

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Auction of Construction Permits for Low)	
Power Television and TV Translator Stations)	AU Docket No. 19-61
Scheduled for September 10, 2019)	GN Docket No. 12-268
)	MB Docket No. 16-306
Comment Sought on Competitive Bidding)	
Procedures for Auction 104)	

REPLY COMMENTS OF WORD OF GOD FELLOWSHIP, INC.

Word of God Fellowship, Inc. (“WOGF”) hereby submits these Reply Comments in response to the above-referenced Public Notice issued by the Incentive Auction Task Force and Media Bureau, in conjunction with the Office of Economics and Analytics, regarding the proposed auction to resolve certain groups of mutually exclusive construction permits filed by low power television and TV translator stations displaced as a result of the post-Incentive Auction reorganization.¹ WOGF is the licensee of low power television station KDTS-LD, San Francisco, California (Fac. ID 167032), which the FCC has assigned to MX Group MX0008 (previously MX7). WOGF files these comments to encourage the Commission to allow applicants in an MX Group to avoid the need for an auction if they reach a legal or engineering settlement before the short form application deadline.

By way of background, WOGF previously negotiated in good faith with the other licensees with stations assigned to MX008 during the settlement window for mutually exclusive

¹ *Auction of Construction Permits for Low Power Television and TV Translator Stations Scheduled for September 10, 2019; Comment Sought on Competitive Bidding Procedures for Auction 104*, Public Notice, AU Dkt. No. 19-61, GN Dkt. No. 12-268, MB Dkt. No. 16-306, DA 19-229 (IATF/MB rel. Mar. 29, 2019) (the “Comment PN”).

displacement applications.² However, the circumstances made it difficult, if not impossible, to reach a mutually acceptable settlement before the settlement window closed on January 10, 2019. Of the four stations in MX Group MX008, three had informal objections filed against them, all of which were pending in some form during the settlement window. Specifically:

- New York Spectrum Holding Company LLC filed an informal objection against WOGF's displacement application for KDTS-LD on November 13, 2018.³ The objection remained pending throughout the remainder of the settlement window until the Media Bureau denied it on January 25, 2019.⁴
- WOGF filed an informal objection against Diya TV, Inc. ("Diya")'s displacement application for KAAP-LD on December 3, 2018.⁵ Although the Media Bureau promptly granted WOGF's informal objection and dismissed the KAAP-LD displacement application on December 28, 2018,⁶ Diya filed a petition for reconsideration that remained pending until April 25, 2019, when Diya asked the Media Bureau to dismiss its underlying application.⁷
- Diya filed an informal objection against One Ministries, Inc. ("OMI")'s displacement application for KQTA-LD on January 3, 2019.⁸ The objection remained pending throughout the remainder of the settlement window until the Media Bureau denied it on April 26, 2019.⁹

As other commenters have explained, given the number of stations in the MX group and the ongoing uncertainty over what stations would ultimately be eligible for the auction, there was

² See *Incentive Auction Task Force and Media Bureau Announce Settlement Opportunity For Mutually Exclusive Displacement Applications Filed During the Special Displacement Window*, Public Notice, DA 18-1108 (MB/WTB Oct. 30, 2018).

³ See LMS Pleading File No. 00000633400.

⁴ See Letter from Hossein Hashemzadeh, Deputy Chief, Video Division, Media Bureau to Word of God Fellowship, Inc. and New York Spectrum Holding Company LLC (Jan. 25, 2019).

⁵ See LMS Pleading File No. 0000063910.

⁶ See Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau to Davina S. Sashkin, Esq. (Dec. 28, 2018).

⁷ See LMS Pleading File No. 0000067344.

⁸ See LMS Pleading File No. 0000064662.

⁹ See Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau to One Ministries, Inc. (Mar. 26, 2019).

simply no way for the parties reach a mutually beneficial solution.¹⁰

Now that has changed. With the Media Bureau's recent resolution of the last pending objections, the three remaining parties have resumed their settlement discussions (subject to those resolutions becoming final). Nevertheless, a three-way negotiation that potentially pertains to the permanent use of a channel remains a complex endeavor that will take weeks, if not months, to fully resolve. One of the main complicating factors is the uncertainty regarding whether the Commission will even accept a settlement at this stage and whether, even if it does, it will require at least one of the stations to participate in an auction. The answer to these questions is critical to the parties' ability to settle and the terms of that settlement.

Given that the prior inability of the parties to settle was due, in part, to reasons beyond their control, the FCC should either: (1) provide a new window for members of MX groups to settle once all of the Media Bureau's decisions regarding the informal objections become final, or (2) at the very least, make clear that if the parties submit a valid legal or engineering settlement prior to the short form application deadline that fully resolves the mutual exclusivity, the Commission will terminate the MX group and not require an auction. Either approach will substantially increase the likelihood that the parties will resolve their mutual exclusivities without the need for an auction.

For the foregoing reasons, the Commission should encourage private resolution of mutual exclusivity by providing a new settlement window or declaring that it will not require an auction

¹⁰ See Comments of One Ministries, Inc. (Apr. 1, 2019) ("A settlement had been proposed by the closing of the settlement window; however, it was not possible to settle due to all four applicants being involved in informal objections either filed against them or having filed informal objections against other applicants in the MX group."); Comments of Michael Do/New York Spectrum Holdings Co. (Apr. 3, 2019) ("Due to unresolved proceedings among the MX'ed applications, it was difficult for NYSHC to discuss a fair, equitable settlement among the MX applicants.").

if all of the parties to an MX group submit a valid settlement before the short form application deadline.

Respectfully submitted,

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