



Federal Communications Commission  
Washington, D.C. 20554

November 30, 2011

Trinity Christian Center of Santa Ana, Inc.  
c/o Colby M. May, Esq.  
205 Third Street, S.E.  
Washington, D.C. 20003

MMTC Broadcasting LLC  
3636 16th Street, N.W.  
Washington, D.C. 20010

Re: Applications for Assignment of License  
of 44 Television Translator Stations at  
Various Locations

Dear Applicants:

This is with respect to applications for assignment of the licenses of 44 television translator stations from Trinity Christian Center of Santa Ana, Inc. and Trinity Broadcasting Network ("Trinity") to MMTC Broadcasting LLC ("MMTC").<sup>1</sup> Commission records show that the licenses for these stations are expired pursuant to Section 312(g) of the Communications Act, which provides that:

If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term or condition of the license to the contrary . . . .<sup>2</sup>

Section 312(g) also gives the Commission the discretion, following an automatic forfeiture, to reinstate a license "if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness."

Trinity and MMTC maintain that equity and fairness support reinstatement of these expired licenses and the authorization of a one-year period after the licenses are assigned to enable the stations to return to the air. We have carefully considered the parties' request and conclude that they have failed to demonstrate circumstances that warrant exercise of our discretion under Section 312(g) to reinstate a license "to promote equity and fairness." In the past, the Commission has exercised its discretion in cases involving natural disaster or other compelling circumstances outside of the licensee's control which

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<sup>1</sup> The application file numbers, station call signs and the dates the stations went silent are provided in Attachment A to this letter.

<sup>2</sup> 47 U.S.C. § 312(g). Section 74.15(f) of the Commission's Rules, 47 C.F.R. § 74.15(f), also provides that "The license of a . . . TV translator or TV broadcast booster, or low power TV station will expire as a matter of law upon failure to transmit broadcast signals for any consecutive 12-month period notwithstanding any provision, term or condition to the contrary."

forced cessation of the station's operations. For example, in *V.I. Stereo Communications Corp.*,<sup>3</sup> the Commission on reconsideration concluded that the station's extended silence was understandable and that reinstatement was warranted, given the fact that the station's tower had been destroyed by a hurricane and, after it was rebuilt, again sustained substantial damage from three more hurricanes. In another case, the staff reinstated an expired permit when the station's extended silence was the result of the licensee's compliance with an order issued by a state court.<sup>4</sup>

Here, the parties have not demonstrated natural disasters or other compelling circumstances which forced the station to cease operations. Instead, Trinity made a business decision to take the stations off the air because of "a reduction of local support which we believe is associated with the national transition from analog to digital broadcasting," and its desire to "[complete] a market analysis to determine the viability and level of local support or the alternative possibility of a sale of the station."<sup>5</sup> We believe that the facts here are similar to cases where Commission staff declined to exercise its discretion under Section 312(g) of the Act. For example, in *Kirby Young*,<sup>6</sup> an AM radio station's transmitter failed in 2002 and the licensee represented that it did not have the financial resources to return the station to the air. The licensee later entered into an agreement to sell the station and contended that fairness and equity would be served by reinstating the license so that the station could be sold to a potential buyer. The staff disagreed, finding no claim that "natural disasters or other compelling circumstances forced the cessation of the Station's operations." Similarly, in *Family Life Ministries*, the staff declined to exercise its discretion under Section 312(g) where the station was taken off the air "due to [the licensee's] desire to meet its goals for the station in a more economical manner."<sup>7</sup>

The parties acknowledge that the Commission generally reinstates expired licenses only where the licensee experiences events outside of its control, but believe the public interest would be served by reinstating the license here because MMTC intends to use the stations to create an "Entrepreneurship Incubator" program to provide minorities and women with the opportunity to learn management skills with a view towards becoming broadcast station owners.<sup>8</sup> The parties assert that reinstating Trinity's expired licenses is consistent with the Commission action amending Section 73.3598 of the Commission's Rules to afford eligible entities that acquire an expiring construction permit for a new station additional time to build out the facility.<sup>9</sup> That rulemaking proceeding, however, addressed new

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<sup>3</sup> *V.I. Stereo Communications Corp.*, 21 FCC Rcd 14259 (2006).

<sup>4</sup> *Letter to Mark Chapman, Court-Appointed Agent*, 22 FCC Rcd 6578 (Audio Div. 2007)

<sup>5</sup> *See, e.g.*, FCC File Nos. BLESTA-20091223ANS and BLESTA-20091223ANW, Exhibit 2. For station K15DB, on November 13, 2009, Trinity reported that the station went silent on November 14, 2008 because the building housing the station's equipment was destroyed by fire. Trinity also reported that construction of the new building "will be completed soon" and service restored. *See* FCC File No. BLESTA-20091113ACW, Exhibit 2. Trinity, however, never notified the Commission that the station resumed operations.

<sup>6</sup> *Kirby Young*, 23 FCC Rcd 35 (Audio Div. 2008).

<sup>7</sup> *Letter from Peter H. Doyle, Chief, Audio Division, to Family Life Ministries, Inc.*, 2009 WL 4722111 (rel. Oct. 8, 2008); *see also Letter to ETC Communications, Inc.*, 25 FCC Rcd 10686 (Vid. Div. 2010)(Staff refused to exercise its discretion under 312(g) where licensee made a business decision to take the station off the air in February 2007 due to lack of funds, and remained off air even though it received a substantial non-refundable deposit from a prospective buyer in July 2007), *Letter to Mr. Zacarias Serrato*, 20 FCC Rcd 17232 (Audio Div. 2005)(Staff refused to exercise its discretion, finding that the licensee's failure to return the station to service within 12 months was due to its business decision not to find an alternative transmitter site promptly due to cost).

<sup>8</sup> *See* FCC File No. BALTT-20100914AAQ, Exhibit 11 at p. 2. The waiver request for the expired stations was filed with this lead application, which did not require a waiver because the station sought to be assigned, W33CM, Decatur, Alabama, was on the air.

<sup>9</sup> *Id.* at 4-6.

station construction permits that had not yet expired and not station licenses that were automatically forfeited under Section 312(g) of the Act for failing to transmit a broadcast signal for a consecutive 12-month period.<sup>10</sup>

Thus, in accordance with precedent, we decline to exercise our discretion under the Section 312(g) “equity and fairness” provision to reinstate the licenses listed in Attachment A to this letter, which expired by operation of law due to circumstances within Trinity’s control. In view of the foregoing, the station licenses ARE HEREBY CANCELLED and the call signs DELETED, and the pending applications for assignment of license ARE DISMISSED.

Sincerely,

Hossein Hashemzadeh  
Deputy Chief, Video Division  
Media Bureau

cc: Henry A. Solomon, Esq.

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<sup>10</sup> See *In the Matter of Promoting Diversification of Ownership in the Broadcast Service*, Report and Order and Third Further Notice of Proposed Rulemaking, 23 FCC Rcd 5922, 5928-31 (2007). The parties also cite to a filing made in MM Docket No. 87-267 requesting that the Commission waive its policy requiring that AM licensees operating in the expanded AM band return one of their AM allotments for cancellation, and instead permit the transfer of the second allotment to a small business.. That request remains pending and again, does not pertain to the reinstatement of licenses that were automatically forfeited pursuant to Section 312(g) of the Act.

				ATTACHMENT A			
FILE NUMBER	CALL SIGN	FAC ID	CITY	ST	APPLICANT	DATE WENT SILENT	
BALTT	20100914ADO	K41FQ	67916	SPRINGFIELD	MO	TRINITY BROADCASTING NETWORK	8-May-08
BALTT	20100914ABJ	K15DB	67978	SANTA BARBARA	CA	TRINITY BROADCASTING NETWORK	14-Nov-08
BALTT	20100914AFM	W49CQ	67990	COOKEVILLE	TN	TRINITY BROADCASTING NETWORK	24-Jun-09
BALTT	20100914AFE	W26CD	47689	SCRANTON	PA	TRINITY CHRISTIAN CENTER OF SANTA ANA, INC.	26-Jun-09
BALTT	20100914ADH	W17CS	12945 1	MARQUETTE	MI	TRINITY BROADCASTING NETWORK	1-Jul-09
BALTT	20100914ADD	W34CN	14335	MEDWAY	ME	TRINITY BROADCASTING NETWORK	6-Jul-09
BALTTL	20100914AEQ	W20BA	47720	MASSENA	NY	TRINITY CHRISTIAN CENTER OF SANTA ANA, INC.	9-Jul-09
BALTT	20100914AET	W51BI	67934	KIRTLAND	OH	TRINITY BROADCASTING NETWORK	13-Jul-09
BALTTL	20100914AEJ	K14MJ	13081 8	FARMINGTON	NM	TRINITY CHRISTIAN CENTER OF SANTA ANA, INC.	10-Dec-09
BALTT	20100914AFS	K57FC	67938	CORPUS CHRISTI	TX	TRINITY BROADCASTING NETWORK	14-Dec-09
BALTT	20100914AFT	K17BP	68039	PALESTINE	TX	TRINITY BROADCASTING NETWORK	29-Jan-10
BALTT	20100914ABR	W58CZ	67874	AUGUSTA	GA	TRINITY BROADCASTING NETWORK	1-Feb-10
BALTT	20100914ADT	W27CX	67995	NATCHEZ	MS	TRINITY BROADCASTING NETWORK	1-Feb-10
BALTT	20100914ADS	W30BY	68056	GRENADA	MS	TRINITY BROADCASTING NETWORK	5-Feb-10
BALTT	20100914AEN	W52DF	67927	ALBANY	NY	TRINITY BROADCASTING NETWORK	13-Mar-10
BALTT	20100914ABL	W14CM	67977	DOVER	DE	TRINITY BROADCASTING NETWORK	15-Mar-10
BALTT	20100914AEU	W32AR	68017	LEXINGTON	OH	TRINITY BROADCASTING NETWORK	24-Mar-10
BALTT	20100914AAZ	K16ER	67875	FORT SMITH	AR	TRINITY BROADCASTING NETWORK	25-Mar-10
BALTT	20100914ABD	K27FC	60832	PARAGOULD	AR	TRINITY BROADCASTING NETWORK	26-Mar-10
BALTT	20100914AEV	W52DS	68064	YOUNGSTOWN	OH	TRINITY BROADCASTING NETWORK	26-Mar-10
BALTT	20100914AGI	K35CN	68031	GREEN RIVER	WY	TRINITY BROADCASTING NETWORK	29-Mar-10
BALTT	20100914ABW	W25CP	68034	VALDOSTA	GA	TRINITY BROADCASTING NETWORK	1-Apr-10
BALTT	20100914ACI	K53FF	67984	COEUR D'ALENE	ID	TRINITY BROADCASTING NETWORK	1-Apr-10
BALTT	20100914ACH	K47BE	68023	BOISE	ID	TRINITY BROADCASTING NETWORK	1-Apr-10
BALTT	20100914ADF	W51AG	67882	PRESQUE ISLE	ME	TRINITY BROADCASTING NETWORK	1-Apr-10
BALTT	20100914AFL	K31DP	68006	YANKTON	SD	TRINITY BROADCASTING NETWORK	13-Apr-10
BALTT	20100914AFJ	K43GX	67900	MADISON	SD	TRINITY BROADCASTING NETWORK	13-Apr-10
BALTT	20100914ACM	W34DL	68045	CHAMPAIGN	IL	TRINITY BROADCASTING NETWORK	13-Apr-10
BALTT	20100914ABV	W22BP	47713	THOMASVILLE	GA	TRINITY CHRISTIAN CENTER OF SANTA ANA, INC.	13-Apr-10
BALTT	20100914ACS	K39FW	12941 9	GARDEN CITY	KS	TRINITY BROADCASTING NETWORK	13-Apr-10
BALTT	20100914ABS	W33AL	67887	BRUNSWICK	GA	TRINITY BROADCASTING NETWORK	4-Jun-10
BALTT	20100914AEM	K19CU	67952	CARSON CITY	NV	TRINITY BROADCASTING NETWORK	7-Jun-10
BALTT	20100914AEK	K18CT	67943	RATON	NM	TRINITY BROADCASTING NETWORK	29-Jun-10
BALTT	20100914ACJ	K26EW	68635	IDAHO FALLS	ID	TRINITY BROADCASTING NETWORK	1-Jul-10
BALTT	20100914AEB	K49FF	68048	GRAND FORKS	ND	TRINITY BROADCASTING NETWORK	13-Jul-10
BALTT	20100914ADN	K16FE	12970 9	ROLLA	MO	TRINITY BROADCASTING NETWORK	16-Jul-10
BALTT	20100914AAT	W57BV	986	FLORENCE	AL	TRINITY BROADCASTING NETWORK	19-Jul-10
BALTT	20100914AAW	W24CK	60831	SELMA	AL	TRINITY BROADCASTING NETWORK	21-Jul-10
BALTT	20100914ACX	K45DI	68069	MERMENTAU	LA	TRINITY BROADCASTING NETWORK	23-Jul-10
BALTT	20100914AGG	K43DV	68019	VICTORIA	TX	TRINITY BROADCASTING NETWORK	27-Jul-10

BALTT	20100914AFQ	K26AP	67948	BROWNWOOD	TX	TRINITY BROADCASTING NETWORK	30-Jul-10
BALTT	20100914AEH	K56IU	12968 0	ALAMOGORDO	NM	TRINITY BROADCASTING NETWORK	2-Aug-10
BALTTL	20100914ADU	K42EO	68636	MISSOULA	MT	TRINITY BROADCASTING NETWORK	17-Aug-10
BALTT	20100914AGA	K45FJ	68094	SAN ANTONIO	TX	TRINITY BROADCASTING NETWORK	19-Aug-10