



Federal Communications Commission
Washington, D.C. 20554

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Re: WHTX-LP, Hartford, Connecticut
Facility ID No. 26337
File Nos. BLTVL-19950228IL; BPTTL-
20030606ABP; BESTA-20050420AEW

Dear Licensee:

This is with respect to the Petition for Reconsideration ("Petition") and Request for Stay filed by Entravision Holdings, LLC (the "Licensee" or "Entravision") on April 8, 2009, former licensee of WHTX-LP, Hartford, Connecticut. Entravision is seeking reconsideration of the Video Division's ("Division") March 9, 2009, decision: (1) dismissing Entravision's application for displacement relief and special temporary authority ("STA") to operate the station as proposed in the displacement application; and (2) deleting the station's license and call-sign pursuant to Section 312(g) of the Communications Act of 1934 (the "Act"), 47 U.S.C. § 312(g). For the reasons below we grant Entravision's request to reinstate the license and call-sign, for WHTX-LP, however, we deny Entravision's request to reinstate WHTX-LP's displacement application and STA request. We also dismiss as moot Entravision's request for stay.

Background. Entravision filed a displacement application proposing to change WHTX-LP's channel, to increase power and antenna radiation center and to move the station's transmitter site from Hartford to Springfield, Massachusetts. On October 21, 2003, Entravision was granted an STA permitting it to operate WHTX-LP with the facilities proposed in the 2003 facilities modification displacement application. The STA was subsequently extended. Objections to the displacement application (and STA) were filed by Meredith Corporation ("Meredith"), licensee of WFSB-TV, Hartford, and WSHM-LP, Springfield. Meredith claims that the displacement application cannot be granted because (1) the underlying license has expired as a matter of law under Section 312(g) of the Communications Act of 1934, as amended (the "Act") and (2) the displacement application, which proposes a different channel and service area, violates Commission rules. The Division's *March 2009*

Decision found that the underlying license had in fact expired as a matter of law under Section 312(g) and as a result did not need to reach a conclusion as to Meredith's second claim.¹

Discussion. Upon review, we conclude that the evidence in the record does not support the Division's decision to cancel the license pursuant to Section 312(g) of the Act. We find that there is insufficient evidence demonstrating that the station failed to transmit a broadcast signal for 12 consecutive months. As a result, we need not address the specific arguments raised in the Petition. Furthermore, in light of the extended period that has passed since WHTX-LP's digital displacement application and STA request were dismissed, we find that it is appropriate to have the Licensee file a new displacement application. As a result of this action Entravision's request for stay is moot.

Accordingly, the Petition for Reconsideration filed by Entravision Holdings, LLC, IS HEREBY GRANTED IN PART AND DENIED IN PART and the Request for Stay is DISMISSED. In particular, we GRANT Entravision's request to REINSTATE the license and call sign for WHTX-LP, Hartford, Connecticut (File No. BLTVL-19940228IL), and we DENY Entravision's request to reinstate its formerly pending digital displacement application (File No. BPTTL-20030606ABP) and request for Special Temporary Authority to continue operating WHTX-LP pursuant to the operation proposed in the displacement application (File No. BESTA-20050420AEW).

Furthermore, we GRANT a waiver of Media Bureau's freeze on the filing of displacement applications for low power television stations. Entravision MUST FILE with the Federal Communications Commission ("Commission") a digital displacement application WITHIN 45 DAYS of the date of this letter. By this letter we GRANT a waiver of Media Bureau's freeze on the filing of displacement applications for low power television stations.² The digital displacement application must be compliant with all relevant Commission rules. Failure to file a displacement application as outlined herein will result in cancellation of the station's license, deletion of the station's call-sign, and dismissal of all pending applications. In constructing its digital facility and returning the station to air we remind the Licensee to be mindful of the 12-month automatic cancellation provision of Section 312(g) of the Act.

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹ On October 11, 2002 the Division canceled the license of and deleted the call sign of WHTX-LP for failing to transmit a broadcast signal for 12 consecutive months. Furthermore, an assignment application from the prior licensee of WHTX-LP, Harvard Broadcasting, Inc. ("Harvard") to Entravision was dismissed. See Letter from Hossein Hashemzadeh, Associate Chief Video Division, Media Bureau to Harvard Broadcasting, Inc. (Oct. 11, 2002). Following a timely filed and unopposed Petition for Reconsideration by Harvard, the Division reinstated the license and call-sign of WHTX-LP. The Division also reinstated the previously pending assignment application and placed it on Public Notice. See Letter from Hossein Hashemzadeh, Associate Chief Video Division, Media Bureau to Harvard Broadcasting, Inc. (Nov. 12, 2002). It is through this assignment application that Entravision came to own WHTX-LP. The Division's *March 2009 Decision* reversed the Division's prior decision in November 2002 to reinstate the license of WHTX-LP.

² *Freeze on the Filing of Applications for Digital Replacement Translator Stations and Displacement Applications*, Public Notice, 29 FCC Rcd 6063 (MB 2014).