

Received & Inspected

LAW OFFICES

RADIOTVLAW ASSOCIATES, LLC

AUG -3 2016

4101 Albemarle Street NW, Suite 324

FCC Mailroom

WASHINGTON, DC 20016-2151

email: anthony @ radiotvlaw.net

MA Office: P.O. Box 1272

DC Telephone: (202) 681-2201

Pittsfield, MA 01202-1272

MA Telephone: (617) 942-1322

Member FL & MA Bar

www.radiotvlaw.net

REPLY TO: WASHINGTON

August 2, 2016

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W. - Room TW-A325
Washington, DC 20554
VIA FEDEX

**RE: W288DB - Facility ID#151493 – BNPFT-20130912AAB
Request for Tolling (BMPFT-20160725AAK)**

Dear Ms. Dortch:

I am writing on behalf of V-Teck Communications, Inc. (“V-Teck”), the proposed assignee of the Construction Permit for W288DB, Robinson, IL, Facility ID#151493 in connection with the above captioned construction permit which specifies an expiration date of January 9, 2017 to request tolling of same in accordance with 47 C.F.R. §1.3 to a date at least 6 months from the date of grant of BMPFT-20160725AAK.

V-Teck is the licensee of AM Station WBLL, Bellefontaine, OH (Facility ID#69627). Mountainplex has filed an assignment application (**BAPFT-20160708ABA**) to acquire the Construction Permit from the current permit holder, Covenant Network, for the purpose of relocating the translator to Urbana, OH with the intent to rebroadcast WBLL in accordance with the FCC'S Public Notice, DA 15-1491, released December 23, 2015, which implements provisions of the Commission's First Report and Order and Further Notice of Proposed Rulemaking in Docket 15-142, released October 23, 2015 (the “AM Revitalization Order”) and has, on July 25, 2016, filed an application to modify the W288DB Construction Permit in accordance with the provisions of the AM Revitalization Order (**BMPFT-20160725AAK**).

Pursuant to Footnote 36 of the AM Revitalization Order, V-Teck hereby requests the tolling of the aforementioned construction permit to permit a full six (6) months from grant of **BMPFT-20160725AAK**, in order for V-Teck to have sufficient time to (a) acquire the necessary equipment to construct the facility as contemplated and (b) complete construction and be able to file a Form 350 License to Cover application for the facility. V-Teck intends to construct the facility on an existing tower which it has already agreed to lease and which has sufficient room for the FM antenna, and has already obtained quotes for an antenna, transmitter, rack and related equipment which it will acquire as soon as the above captioned modification application is

granted. V-Teck specifically and affirmatively covenants and commits to promptly initiate construction upon grant of the modification application filed even date herewith and commence broadcast operations upon completion of construction.

As stated in Footnote 36 of the AM Revitalization Order:

“A substantial majority of the approximately 1300 outstanding Auction 83 construction permits are scheduled to expire in 2016. Modification applicants in one of these two modification windows may seek waivers of these construction deadlines. *See* 47 C.F.R. §1.3. Waivers can expand cross-service broadcasting opportunities for AM stations, will allow AM licensees to realize service improvements quickly, will incentivize FM translator permittee participation in the modification window process, and will provide a means to avoid the delays and administrative burdens of re-auctioning this spectrum. *Accordingly, we find that a waiver of an Auction 83 FM translator construction deadline is presumptively in the public interest for applicants participating in one of the modification windows, provided that the AM station licensee proposing to use the FM translator for rebroadcasting its AM station commits to prompt FM translator station construction and initiation of broadcast operations.” (emphasis added).*

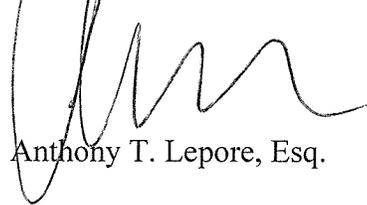
The foregoing provisions of the AM Revitalization Order are consistent with prior Commission precedent; *See 1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules, and Processes; Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities*, M,O & O, MM Docket 98-43, 14 FCC Rcd 17525, 17541 (1999)(“*Streamlining Order*”). As part of the adoption of the three year construction period and associated tolling provisions, the Commission stated that:

“We realize that there may be rare and exceptional circumstances other than those delineated here which would warrant the tolling of construction time, i.e. circumstances in which, for reasons not discussed here, a permittee is prevented from completing construction within three years for reasons beyond its control such that the permittee would be entitled to tolling of the construction time under Section 319(b). In these very limited circumstances, we will entertain request for waiver of our strict tolling provisions.”
Streamlining Order at 17541.

Page 3
August 2, 2016

As the proposed assignee of an Auction 83 permit expiring in 2017, V-Teck has not had the benefit of a complete 3 year construction term for the facility and is only able to acquire and construct the facility because of the provisions of the AM Revitalization Order. For the foregoing reasons, it is respectfully requested that the tolling request herein be granted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony T. Lepore', written over a faint circular stamp or watermark.

Anthony T. Lepore, Esq.

ATL:ms

cc: Victoria McCauley
V-Teck Communications, Inc.
Covenant Network