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December 6, 2018

## **VIA US MAIL AND EMAIL**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, TW-325  
Washington, DC 20554

Re: New FM, Loleta, CA (KMMI)(Facility ID #170982)  
Miriam Media, Inc. ("Miriam")  
BNPH-20070406ABY  
Request for Extension of Tolling of Construction Period

Dear Ms. Dortch:

Miriam Media, Inc., pursuant to Section 73.3598(b) of the Commission's Rules, hereby files a construction status report and a request for extension of the Tolling of the Construction period for its New Stations KMMI (FM) at Loleta, California until May 6, 2019. A construction Permit was issued to Miriam on February 18, 2011 with a condition that Miriam may not commence operation on KMMI until program tests have commenced on displaced Station KJNY. However, a Commission Letter to KJNY, dated February 18, 2011, failed to require the filing of the modification application by any date certain. On February 27, 2013, Miriam requested a tolling of its construction deadline pending the filing, grant and construction of KJNY's needed modification application. The Division granted Miriam's tolling request as of January 27, 2013, which was most recently extended until August 27, 2018.

On February 18, 2011, in conjunction with a grant of Miriam Media's construction permit for KMMI, KJNY had been ordered to modify its operations from Channel 256C1 to 249C1. Following discussions with KJNY, Miriam at its sole expense had prepared and provided to KJNY the needed modification application in CDBS. KJNY had questions regarding elements of the application which were addressed and resolved by mid June of 2013. Miriam had repeatedly indicated that the application is ready to file and is awaiting its submission by KJNY. However, as of this date KJNY has not filed the application to change its channel as ordered from 256C1 to 249C1.

In FM Auction 94, William McCutchen, the principal owner of station KJNY was the successful bidder for a new station at Willow Creek, California on Channel 258. His proposed facilities for a Class C3 station on Channel 258 at Willow Creek (BNPH-20120529ALP) are also dependent on his own move of KJNY off of its current channel (256). On November 24, 2014, Mr. McCutchen was issued a new construction permit for Willow Creek on Channel 258 with a condition that he may not begin program tests for this new station (KXGO) until KJNY commences operation on Channel 249C1. Based on the November

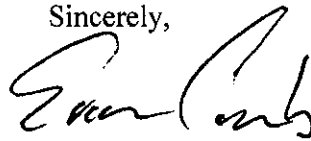
grant of the Willow Creek application, Mr. McCutchen was to have completed construction of KXGO by November 25, 2017. However, prior to the November 25, 2017 Mr. McCutchen sought and received a tolling of the construction period for KXGO. On June 26, 2018, Staff subsequently cancelled the tolling, but reinstated the remaining construction time on August 15, 2018. Absent construction, the permit should expire within the next few days. It was hoped that Mr. McCutcheon would have filed his change of channel application and possibly completed his channel change for KJNY in order to facilitate the KXGO construction. However, it now appears that Mr. McCutcheon as of today's date is seeking an 11<sup>th</sup> hour change to his CP for KXGO that might allow him to construct KXGO without changing channels on KJNY.

Because Miriam missed a tolling update on August 27, 2018 the clock for KMMI's construction would have resumed as of that date and Miriam has been informed by staff that a new tolling of the KMMI construction period may be requested under 73.3598(b) of the Commission's Rules, but that such tolling may only be deemed effective as of a date that is no earlier than 30 days prior to the date on which such request for tolling is filed. Accordingly Miriam hereby requests that its construction permit be tolled as of November 6, 2018, a date that is thirty days prior to this date (the request date), for a period of six months. Such a tolling date, after accounting for the elapsed time since tolling would have expired would leave about ten months and thirteen days of construction time on the permit when the construction clock restarts.

Accordingly, due to the delays beyond Miriam's control, Miriam hereby respectfully requests that its construction permit tolling be extended for an additional six months From November 6, 2018 until May 6, 2019. Miriam is aware of its obligation to keep staff advised of the status of this matter.

Please call if you have any questions regarding this submission.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Carb", written in a cursive style.

Evan D. Carb

cc (via email): Victoria McCauley