

## EXHIBIT

Mountain Licenses, L.P. ("MLLP"), licensee of television translator station K44CK, Chelan, Washington (the "Station"), by its attorneys and pursuant to 47 U.S.C. § 312(g) ("Section 312(g)", hereby respectfully requests a waiver extending the Station's license beyond August 24, 2017, the date which was established by the August 24, 2016 Letter from the Commission's Video Division that granted a waiver extending the station's license beyond the 12-month silent period.<sup>1</sup>

The first portion of Section 312(g) provides that the licenses of broadcast stations that fail to transmit broadcast signals for any consecutive 12-month period will expire at the end of that period, but Section 312(g) goes on to carve out certain exceptions to that general rule. One such exception allows the Commission to extend or reinstate any such license "to promote equity and fairness." That exception very much applies here.

As MLLP previously reported to the Commission in seeking special temporary authority for the Station to remain silent, a forest fire forced the Station off the air on August 24, 2015. See, e.g., File No. 0000010747, by which MLLP sought and the FCC granted, authority for the Station to remain silent until August 24, 2016. This fire (known in the locality as the First Creek fire) damaged not only the Station's equipment, but also the facilities necessary for local utility Chelan County Power ("CCP") to provide electrical service to, and power at, the Station's transmitter site. The problems created by the fire are compounded by the fact that the site is situated on a steep and difficult-to-access mountaintop. As of the date of this filing, CCP has not restored power to the site.

MLLP notes that during the last year, it timely filed three 90-day status reports required by the Waiver Letter. Furthermore, attached to this Exhibit are the latest documents MLLP has received from CCP (in June 2017 and earlier this month) indicating the status of the difficult power restoration project at this site. MLLP also notes that CCP's timetable may not allow power restoration before the snow sets in again, pushing project completion into next year.

The destruction of the Station's remote and relatively inaccessible transmitter site by fire and the continuing lack of power at the site are classic circumstances beyond MLLP's control. They provide ample grounds for the Commission to extend the life of the Station's license. The Station cannot operate at the site without electrical power and MLLP is dependent on the local utility for that power. As the Commission explained in *Albany Bible Institute*, 28 FCC Red 11602 n.5 (2013), it "has exercised its discretion under Section 312(g) of the Act where a natural disaster or other compelling circumstances forced the cessation of a Station's operations. See, e.g., *VJ. Stereo Communications Corp.*, Memorandum Opinion and Order, 21 FCC Red 14259 (2006) (license reinstated when station's extended silence was attributable to the station's towers being destroyed by a hurricane, and after being rebuilt, substantially damaged during three additional hurricanes)."

---

<sup>1</sup> Letter from Hossein Hashemzadeh, Deputy Chief, Video Division, Media Bureau, to Dennis P. Corbett, Counsel to Mountain Licenses, L.P. (Aug. 24, 2016).

Under these circumstances, Commission extension of the Station's license pursuant to Section 312(g) until power is restored and MLLP has a reasonable opportunity thereafter to recommence Station operations will allow the Station lawfully to continue to remain silent for more than twelve months, thereby manifestly "promoting] equity and fairness." MLLP respectfully requests such relief.