

Request for Extension of KLCW-TV Construction Permit (File No. 0000034587)

Ramar Communications, Inc. (“Ramar”), licensee of digital television broadcast station KLCW-TV, Wolfforth, Texas (the “Station”), hereby seeks a 180-day extension, to and including May 29, 2019, of its construction permit for modification of the Station facilities, File No. 0000034587 (the “CP”), granted one year ago (the CP modified KLCW-TV construction permit File No. 0000026475). Because the Station is assigned to Phase 1 of the post-Incentive Auction “repack” of the television band, the CP currently carries an expiration date of November 30, 2018, the Phase 1 completion date. For a variety of reasons, Ramar seeks additional time to construct the Station facilities specified in the CP. Ramar emphasizes that it is not seeking a repack phase change, only a Station CP extension. That is because Ramar is planning to commence operation pursuant to Special Temporary Authority with interim facilities on its new Channel 23 by the November 30, 2018 Phase 1 deadline.

By Public Notice released August 27, 2018, DA 18-884, the Chief of the Commission’s Media Bureau reminded television licensees that, *inter alia*, the deadline for Phase 1 station construction permit extension requests was September 4, 2018. At the time of that deadline, Ramar reasonably anticipated that it would be able to complete installation of the permanent Station facilities in a timely fashion. Since that deadline, Ramar has worked diligently to meet the deadline. However, despite those efforts, it has now become apparent that a CP extension and waiver of the September 4, 2018 deadline are necessary. Both are respectfully requested.

The repack of the Station from RF Channel 43 to RF Channel 23 is a project of broad scope and complexity. That is due in part to the fact that the Station currently operates, and will continue to operate post-repack, with an antenna that is shared with commonly owned Ramar station KJTV-TV, Lubbock, Texas. The project has also entailed the ordering, delivery, and

installation of multiple components, including the shared antenna and related transmission line, as well as the coordination of substantial tower work amidst delays caused by variable West Texas weather. The most recent delays have been occasioned by the need to complete the antenna installation before final precise measurements could be taken to allow the ordering of the final top and bottom pieces of transmission line. Such factors have combined to place Ramar in a situation where it is confident that its efforts will allow the Station to accomplish the switch to interim Channel 23 facilities by November 30, but not complete by that same deadline installation of the permanent Station facilities authorized by the CP.

From the beginning, given the project's complexity, Station implementation of the government-mandated repack by the end of Phase 1 posed a difficult challenge, as Phase 1 does not afford the flexibility of the three-year construction period that is the Commission's long established historical norm. As the project has unfolded, those anticipated difficulties have become realities, necessitating this extension/waiver request.

Ramar notes that its request is entirely consistent with FCC rules and policies. That is, the FCC may grant a waiver for good cause shown.¹ A waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.² In considering a waiver, the FCC may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.³ Such a waiver is appropriate if

¹ 47 C.F.R. § 1.3.

² *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

³ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁴

The facts and circumstance presented above clearly justify both grant of the CP extension and waiver of the filing deadline. Ramar has acted with diligence throughout Phase 1 in a good faith effort to meet the shortened, accelerated Phase 1 deadline. Those efforts have put the Station in position to transition before November 30 to interim facilities on new RF Channel 23, with permanent operations pursuant to the CP relatively close at hand after the Phase 1 deadline passes. Grant of these requests will therefore have no cognizable impact on the FCC's overall repack timelines, while allowing Ramar to complete the KLCW-TV transition in an orderly fashion and thereby continue to provide service to the public through continuous Station operation.

For all of the foregoing reasons, a waiver of the extension request filing deadline and an extension of an additional 180 days to construct the Station's repacked facilities is amply justified, relief which is respectfully requested.

⁴ *Northeast Cellular*, 897 F.2d at 1166.