



Federal Communications Commission
Washington, D.C. 20554

May 2, 2019

Rancho Palos Verdes Broadcasters, Inc.
2323 Corinth Avenue
Los Angeles, CA 90064

Re: Request for Extension of
Construction Permit
KXLA, Rancho Palos Verdes, CA
Facility ID No. 55083
LMS File No. 0000066567

Dear Licensee,

On January 10, 2019, Rancho Palos Verdes Broadcasters, Inc. (Rancho Broadcasters), the licensee of Station KXLA, Rancho Palos Verdes, California (KXLA or Station), filed the above captioned application seeking an extension of the Station's construction permit expiration date. For the reasons below, we grant Rancho Broadcasters's application and extend KXLA's construction permit expiration date 90 days to July 11, 2019.

Background. Pursuant to Section 73.3700(b)(5) of the Commission's rules, a station may request a single extension of its construction permit deadline of up to 180 days to complete construction of its post-auction facility.¹ Grant of an extension of the construction permit deadline does not alter the deadline by which a station must cease operating on its pre-auction channel. A station anticipating the need for an extension must submit an extension application using FCC Form 2100, Schedule 337, not less than 90 days before the assigned construction permit deadline.² The application must demonstrate that the station is unable to complete construction on time due to circumstances that were either unforeseeable or beyond the station's control.³

KXLA was repacked from channel 51 to channel 30 and assigned to transition Phase 2, which had a phase completion date of April 12, 2019. KXLA discontinued operations on its pre-auction channel prior to its phase completion deadline and commenced operation on its post-auction channel using an interim facility pursuant to special temporary authority while it completes construction of its permanent post-auction channel facility.⁴ All repacked stations assigned to Phase 2 were issued a construction permit with an expiration date of April 12, 2019.

¹ See 47 CFR § 73.3700(b)(5). All subsequent requests for additional time to construct are subject to the Commission's tolling provisions, 47 CFR § 73.3598(b).

² 47 CFR § 73.3700(b)(5)(iv).

³ The *Incentive Auction R&O* provides examples of six circumstances that might justify an 180-day extension of a station's post-auction construction permit: (1) weather related delays; (2) delays in construction due to the unavailability of equipment or a tower crew; (3) tower lease disputes; (4) unusual technical challenges; or (5) delays caused by the need to obtain government approvals, such as land use or zoning approvals, or to observe competitive bidding requirements prior to purchasing equipment or services; and (6) financial hardship with sufficient supporting evidence. See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567,6804-05, paras. 581-2 (2014) (*Incentive Auction R&O*); 47 CFR § 73.3700(b)(5)(ii) and (iii).

⁴ See LMS File No. 0000067696.

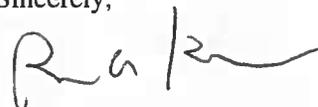
Rancho Broadcasters explains that it will be using a multi-user facility that is owned by a subsidiary of American Tower Corporation (ATC). ATC is coordinating the work done on the tower. At the time filing, Rancho Broadcasters stated that although it secured the equipment necessary for its post-auction facility, it was still awaiting information from ATC about when it could proceed with installation of the Station's antenna and related equipment. On April 30, 2019, counsel for Rancho Broadcasters informed Video Division staff that construction has commenced and is progressing. However, as a result of delays accessing the Station's tower site, the Station was unable to complete construction of its post-auction facility by its April 12, 2019 construction permit deadline and has requested a 90-day extension of its post-auction construction permit expiration date.

Discussion. Upon review of the facts and circumstances presented, we find Rancho Broadcasters's request to extend the construction permit deadline to construct KXLA's post-auction facility meets the requirements for a construction permit extension. KXLA has demonstrated that an extension is needed as the result of delays obtaining the necessary permission to access its tower site and install its post-auction equipment. We also find that grant of this extension request is not likely to negatively impact the overall transition schedule. KXLA has ceased operations on its pre-auction channel and is operating an authorized interim facility on its post-auction channel. To the extent some viewers are unable to receive KXLA's signal while it operates its interim facility, we believe that Rancho Broadcasters has every incentive to ensure viewers are fully informed about the Station's transition plan.

We remind Rancho Broadcasters that pursuant to the Spectrum Act, the Station is eligible for reimbursement from the TV Broadcast Relocation Fund (Fund) of costs "reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other." Additional expenses incurred, for instance, as a result of the grant of changes in the Station's transition plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund. Such additional costs might include, but may not be limited to, additional legal or engineering expenses; filing fees; and interim or additional equipment that was not contemplated when the Station filed its initial estimated expenses but was subsequently necessitated due to voluntary changes in the Station's plans.

The above facts considered, Rancho Broadcasters's application for extension of construction permit expiration date **IS GRANTED**. The construction permit for KXLA, Rancho Palos Verdes, California (LMS File No. 0000063251), **IS EXTENDED** for 90 days to **July 11, 2019**. Grant of this extension does not permit KXLA to recommence operation on its pre-auction channel, nor does it modify the terms of the Station's STA. We also remind Rancho Broadcasters that any subsequent requests for extension of its construction permit deadline will be subject to the Commission's tolling provisions.⁵

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Barry Friedman, Esq.

⁵ See 47 CFR § 73.3700(b)(5)(i) (referencing 47 § CFR 73.3598(b)).