

Request for Tolling of Construction Permit

Nexstar Broadcasting, Inc. (“Nexstar”), the licensee of KLBK-TV, Lubbock, Texas, FAC ID 3660 (the “Station”), pursuant to Section 73.3598(b)(1) of the Commission’s rules, respectfully requests tolling of its post-auction construction permit (“CP”) for Channel 31. See LMS File No. 00000497097. The CP, as recently extended,¹ is slated to expire on May 29, 2019. The Station is currently operating on its post-auction Channel 31 using interim facilities as authorized in FCC LMS File No. 0000063689. Nexstar seeks tolling of the CP based on the following circumstances.

Nexstar’s original CP, issued in July 2017, was slated to expire on November 30, 2018 at the conclusion of the Transition Phase One.² As the Media Bureau is aware, and due to the recession of certain post-transition reimbursements, Nexstar was forced to reconfigure the KLBK-TV post-transition facilities. This delay impacted Nexstar’s ability to order equipment and schedule riggers. Consequently, as a result of the delay in finalizing the post-auction facilities, the antenna manufacturer issued an antenna delivery date of May 2, 2019. The tower crew was scheduled to coincide with the delivery date in order to off load the 58-foot, 12,000-pound antenna prior to installation on the top of 830-foot tower.

Due to unanticipated and unavoidable weather delays, including torrential rain, flooding, high winds and tornadoes, the KLBK-TV rigging schedule has been delayed beyond the May start date.³ The rigging crew, scheduled to install the Station’s antenna in the first week of May 2019, will not be available to offload the antenna or commence the installation until after the first week of June 2019.

As the Commission knows, due to the limited rigging resources available throughout the United States, installation schedules are often back to back with little or no room for delays of any nature. The recent severe weather conditions, which impact access and the safety of the tower rigging crews, have made it impossible for Nexstar to meet the KLBK-TV May 29, 2019 construction deadline. These severe, unexpected and uncontrollable weather events should be considered rare and exceptional circumstances under the Commission’s tolling rule. These weather events may also be considered acts of God, as they are most certainly beyond the control of any human being. Accordingly, Nexstar seeks to toll the current KLBK-TV CP until August 1, 2019. This duration would provide Nexstar and their associated tower crew to complete the four-week installation process with time to spare should unavoidable weather conditions persist through the summer months. This request is in the public interest as it would allow the Station to continue providing broadcast service to its community of Lubbock, Texas.

¹ See FCC LMS File No. 0000063734.

² See FCC LMS File No. 0000028452.

³ See <https://www.accuweather.com/en/weather-news/heightened-flood-risk-to-target-south-central-us-this-week/70008122>; see also <https://www.kcbd.com/2019/05/05/cinco-de-mayo-warmer-with-thunderstorm-potential/>; <https://www.weather.gov/lub/events-2019-20190422-storms>; <https://watchers.news/2019/04/12/severe-dust-storm-lubbock-texas/>