

FSE Fifth Street Enterprises
CP Extension Request
May 2019

The station will transition to its post-auction channel and operate with special temporary authority at parameters at variance from the construction permit prior to its specified repack deadline (*See* File No. 0000072889). However, this station will be unable to complete construction of its final repack facility due to circumstances outside of its control.

Specifically, Fifth Street Enterprises (“FSE”) and HC2 Station Group, Inc. (“HC2”) entered into an agreement for sale of the Station (“Sale Agreement”). The FCC granted consent to the assignment of Station to HC2 on March 18, 2019 (FCC File No. BAL-20190131AAK). By the terms of the Sale Agreement, the parties were required to close on the assignment or before May 15, 2019. Because this transaction was scheduled to close in May (two-and-a-half months before the Phase 4 deadline), the parties agreed that HC2 would be responsible for ordering all needed equipment and constructing the Station’s post auction facilities. HC2 did not close the transaction on May 15, 2019 and is now in breach of the Sale Agreement. FSE, as required by the Sale Agreement, has provided HC2 with the opportunity to cure this breach and complete the transaction. However, given the fast-approaching Phase 4 deadline, FSE has sought permission to transition to its post-auction channel using interim facilities as specified in its application for special temporary authority. FSE will be unable to complete construction of the facilities specified in this construction permit by the repack phase deadline, therefore, it respectfully requests an extension of time to complete construction of these facilities.