

Request for Waiver of Tolling Rule for Construction Permit File No. 0000034832

Kailua Television, LLC (“Kailua”), licensee of Digital TV Station KKAI, Kailua, Hawaii (“KKAI”) (Fac. 83180), pursuant to Section 73.3598(b)(1) of the Commission’s rules, respectfully requests a waiver of the tolling rules and seeks an extension of its post-auction construction permit (“CP”) for Channel 29. See LMS File No. 0000034832. The Station is currently operating on its post-auction Channel 29 using interim facilities pursuant to Special Temporary Authority (“STA”). See LMS File No. 0000068511. The STA is due to expire January 20, 2020. A request for extension of the STA will be filed at that time in necessary.

The Commission’s rules accommodate one 180-day post-transition construction permit extension.¹ Any subsequent requests for an extension of time to construct are subject to the Commission’s Tolling Rule.² KKAI’s original CP was extended to October 12, 2019. KKAI requests a further extension of its CP until July 1, 2020.

Originally KKAI was tasked with organizing all six of the Hawaii stations that were included in the FCC Spectrum Repack to work together. Shared-Use Agreements were drafted and redrafted but slowly over the months those efforts deteriorated to simply a two-party Shared-Use Agreement between KKAI and KALO. The particular site chosen has both a private owner and State of Hawaii as land owners. Every change requires the landowners review and approval. The most complicated issue, the new tower, has required, planning, replanning and further replanning. Our partner in a shared-use, KALO, as of the date of this drafting, has yet to even execute a lease with the land owner granting them full access to the site. They say that they expect to have this issue resolved very soon however this remains a major obstacle for KKAI. The difficulty of getting certain size vehicles and equipment there has also added to delays in planning. In short, Hawaii’s lack of certain types of technical people or equipment makes progress very slow. However, we are confident if our request to extend the CP until July 1, 2020 is granted, that we can complete KKAI’s construction.

Based on the foregoing, KKAI requests that the current expiration of the CP be tolled, or that the FCC waiver Section 73.3598 and toll the expiration of the KKAI CP. This request is in the public interest as it would allow the Station to continue providing its unique broadcast service to its community of license; Kailua, Hawaii.

¹ 47 CFR §73.3700(b)(5).

² See *Reminder for Post-Auction Transition Requirements and Deadlines*, 33 FCC Rcd 8240, 8244-8245 (2018).