

**Request for Construction Permit Extension and Waiver of Tolling Rule**  
**KCOR-CD**  
**Facility ID 48837**

Unimas Partnership of San Antonio (“Unimas”), licensee of KCOR-CD (formerly KNIC-CD), San Antonio, Texas, Facility ID 48837 (the “Station”) holds a construction permit (“CP”), authorizing construction of its post-auction channel facilities that was initially set to expire on the Phase 3 June 21, 2019 deadline. On June 20, 2019, the Station was granted a six month extension of the CP deadline until December 18, 2019 (see LMS File No. 0000068560) because of delays relating to the delivery of a custom mounting pole for the Station’s post-transition antenna. Additionally, because the station was only eligible to retune its existing transmitter, the Station filed for Silent STA (LMS File No. 0000073227) and suspended its operations on May 23, 2019, in order to relocate its equipment to the post-transition tower site.

At this time, the Station has made significant progress toward building out its post-transition facility, and it anticipates final construction to be completed sometime in February 2020. Accordingly, the Station concurrently has filed for an extension of its Silent STA, and hereby respectfully requests that the Commission also grant a second six-month extension of the Station’s CP deadline, until June 18, 2020.

The Station further requests a waiver of the Commission’s tolling rule to permit grant of this further extension of time to construct.<sup>1</sup> The Media Bureau has explained that where construction of a station has been disrupted by circumstances other than those expressly provided for in its tolling rules, “[s]tations may also seek a waiver of the tolling rule to receive additional time to construct in cases where ‘rare or exceptional circumstances’ prevent construction.”<sup>2</sup> 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.<sup>3</sup> Ultimately, a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.<sup>4</sup>

Grant of the instant request for waiver of the tolling rule would be squarely within the Commission’s policies. The Station has made diligent efforts to complete construction of its post-transition facility. Despite this, circumstances outside of the Station’s control made it impossible for the Station to complete construction by the applicable CP deadline. The Station had to undertake significant structural studies and mapping of its tower, which dates to 1955. And as indicated above, modifying the tower required the construction of a custom support mast

---

<sup>1</sup> See *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, Public Notice, DA 18-884, ¶ 13 n.34 (2018) (citing *1998 Regulatory Review—Streamlining of Mass Media Applications, Rules and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17536, ¶ 42 (1999)).

<sup>2</sup> *Id.*

<sup>3</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

<sup>4</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

that would be suitable for a non-standard older tower. Moreover, the process required the Station to obtain city permits and approval from the historical review board, which also caused extended delay not of the Station's doing. The proposed waiver would therefore serve the public interest by enabling the Station to obtain an extension of its CP, thereby avoiding unnecessary disruption to viewers in the market.