

Request for Waiver of Tolling Rule

Nexstar Broadcasting, Inc. (“Nexstar”), the licensee of WFXQ-CD, Springfield, Massachusetts, FAC ID 2650 (the “Station”), pursuant to 47 C.F.R. §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 21. See LMS File No. 0000027611. The Station is currently dark. See FCC LMS File No. 0000079139. The instant request is based on the following circumstances.

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 Nexstar’s original CP, issued in July 2017, was slated to expire on August 2, 2019 at the conclusion of the Transition Phase Four.³ As the Media Bureau is aware, Nexstar was unable to construct the WFXQ-CD post-transition facilities by the conclusion of Phase Four due to rigging delays. Consequently, Nexstar sought and received an extension of the CP, which is slated to expire on January 17, 2020. See FCC LMS File No. 0000079221.

As previously detailed, and following a structural analysis in 1Q 2019, the Station’s existing tower was deemed insufficient to support WFXQ-CD’s post-transition channel final antenna. Consequently, the WFXQ-CD final post-transition facility requires construction of a new tower to support the requisite post-transition channel antenna. Engineering delays, including finalizing the new tower structure foundation design, and other administrative delays, including the permitting and local oversight process, have delayed progress towards completing construction of the final post-transition facility. Those delays are further exacerbated by the scarcity of available tower construction/rigging crews. Nexstar anticipates that the final install will be complete by or before July 15, 2020.

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 ongoing adverse weather conditions, which impact access and the safety of the tower rigging crews, and difficulties in obtaining permits for new tower construction have made it impossible for Nexstar to meet the WFXQ-CD January 17, 2020 construction deadline. These unexpected and uncontrollable events should be considered rare and exceptional circumstances.

¹ 47 CFR §73.3700(b)(5).

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

³ See FCC LMS File No. 0000027611.

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WFXQ-CD, Springfield, MA, FAC ID 2650

Accordingly, Nexstar seeks a waiver of the tolling rules and an extension of time to complete the final post-transition Channel 21 facility – until July 15, 2020. This duration would allow Nexstar and its associated tower crew to construct the new tower and complete the final antenna installation process with time to spare should unavoidable permitting, rigging or weather conditions persist through the winter months. This request is in the public interest as it would allow the Station to complete construction of its final facility, resume operations and recommence providing broadcast service to its community of Springfield, Massachusetts.