

Request for Tolling for Construction Permit File No. 0000034872

As KALO has previously reported to the Commission, the current repack construction permit for KALO, File No. 0000034872, granted January 4, 2018, specifies a transmitter site that was planned to be shared with KKAI, Facility ID Number 83180, Kailua, Hawaii, pursuant to a Memorandum of Understanding between the parties, a copy of which was submitted to the Commission. Pursuant to that agreement, KKAI's licensee was the party responsible for organizing and accomplishing the construction of the monopole support for the antenna on Mauna Kapu, as well as the antenna, feedline, and combiner acquisition and installation. As reported in a prior tolling request filed December 11, 2019, at that time, KALO's partner KKAI had been unable to make any substantial progress toward completion of these items and had requested and been granted tolling of its own repack construction permit (File No. 0000086047). As a result of KKAI'S difficulties, KALO had not been able to move forward with its own construction.

In late January of 2020, however, KKAI notified KALO that it had decided to abandon both the Mauna Kapu site and the Memorandum of Understanding between the parties, so that KALO now would need to build its own, single station facilities to complete the repack process. In connection with this decision, KKAI's licensee made available to KALO two existing monopole supports that KALO could use for mounting its antennas, together with an antenna, microwave equipment, and the rights to obtain electrical power through an existing meter connection at the site. Agreements for obtaining access to these items was negotiated over a period of approximately two months, until the last part of March 2020. Additionally, KALO negotiated a modified lease for the transmitter room vacated by KKAI. These acquisitions all moved forward the construction of the final facilities for KALO and promised to result in significant savings in time, as there no longer was the need to construct a new tower or a new power source, and the antenna had already been delivered to Hawaii.

By that time, however, all of the United States, and especially Hawaii, had been locked down due to the COVID-19 pandemic. As a result, both the shipment and delivery of goods and the travel of personnel to work on the installation of broadcast facilities have been severely impacted. As an initial matter, the number of flights to Hawaii has been significantly decreased. Further, all travelers to Hawaii are required to remain in quarantine for a period of fourteen days upon their arrival and are required to check in daily with the Hawaiian government from their place of quarantine, with their location monitored. While some exemptions are available to essential workers, travel around the island is still quite restricted. As a result, obtaining the necessary personnel to undertake the construction final of the permanent KALO facilities has not been possible to date. Likewise, the ability to obtain transmission line and other items necessary for construction has been severely delayed due to manufacturing and shipping delays caused by the response to the pandemic.

Furthermore, following the change in plans, KALO determined that the existing support poles were in a very slightly different location and at a different elevation than the previously planned new monopole, and that a modification of the construction permit for the final facilities would therefore be required. An application for modification for construction permit has been prepared and is being filed concurrently herewith.

As a result of these prior and ongoing problems and of the need to meet a Phase 2 transition deadline, later adjusted to Phase 3, KALO sought and was granted Special Temporary Authority (File No. 0000066951) to install an antenna for operation on its new channel at its current transmitter site as a workaround, and it completed facilities on the new channel and is operating with those facilities on an interim basis until permanent facilities can be constructed. KALO also is filing a request for extension of that STA concurrently herewith. Upon grant of the application for the slight modification of the construction permit, and with some loosening of some COVID-19 restrictions beginning to take place, KALO believes that its permanent facilities can be quickly constructed. KALO is hopeful that that construction can be completed within the next 60 days, but it is seeking further tolling for 180 days in an abundance of caution and in light of all of the unanticipated delays it has experienced thus far. Grant of the requested tolling would serve the public interest by allowing KALO to achieve the improved post-

transition coverage that it has long sought but which has been delayed by a series of different circumstances beyond its control.