

EXHIBIT SUPPORTING REQUEST FOR TOLLING

RSS Media Marketing LLC (RSS) is the licensee of Digital Class A station WHIG, Rocky Mount, North Carolina. WHIG ceased operating on its pre-auction channel (31) and began operating on its post-auction channel (30) on July 2, 2020. Because WHIG's operation on its new Channel 30 would temporarily be at variance from the technical parameters of its authorization, RSS sought and the Media Bureau granted an extension of WHIG's DCA construction deadline to December 30. See LMS File No. 000116800. Since July 2, WHIG has been operating from a temporary tower approximately 260 yards west of its permanent tower location.

All equipment needed to complete construction of the facility at its post-auction parameters has since been delivered and is on hand. As we reported in the initial extension request, however, the prospect had recently emerged that there might be a problem with the integrity of WHIG's permanent tower. Lightning had recently struck the tower and the damage had been unexpectedly severe. This suggested that the tower might lack the protective grounding and other structural elements that recent versions of the ANSI/TIA-222 Standards prescribe.

We advised the Media Bureau that an analysis of the tower's stability would be done and that modifications to the structure might be necessary. But even if this were the case, it was reasonable to expect that the project would be completed in time to meet the December 30 deadline. In particular, it was anticipated that the tower reinforcement work, if such work were necessary, would begin by early November.

RSS subsequently retained an engineering firm (TAE) to do the structural analysis report. The report would contain two parts. Part One would be a definitive determination as to the structural integrity of the tower. Part Two would be a description of the steel package required to implement the modification. Significant preparatory work – to be done by WHIG's field engineer – was required before the Part One portion of TAE's study could begin. Eight lines and antennas would have to be removed from the tower, the tower would then be mapped, and the results would be documented and handed off to TAE.

The preparatory work was completed in late summer. TAE did not deliver the Part One portion of its analysis until November 6. TAE's study found that critical portions of the tower would be stressed beyond allowed limits when subjected to the loadings projected under the DCA equipment. TAE's follow-up report (Part Two), identifying the particular steel package to be used in the tower reinforcement project, is expected by the first of next week.

Acquisition and delivery of the steel and other parts needed for the modification will take three to four weeks. The project manager and crew have been organized and are prepared to begin the tower modification as soon as the steel arrives. The tower reinforcement project itself will take three to four weeks. Once the tower modifications are finished, the installation of the DCA facility can begin immediately and should not take more than several days.¹

Assuming this timeline, the post-auction facility should be completed within 75-90 days, or no later than April 1, 2021.² In an abundance of caution and allowing for weather contingencies, we would ask for a new deadline of April 30.

¹ The foregoing schedule is, of course, subject to the weather, in particular the wind, which can sometimes be an obstacle to tower work in North Carolina during the winter and early spring months.

² The Media Bureau will recall that WHIG's achievement in vacating its pre-auction channel and activating service on its new channel by the July 3, 2020 deadline was a heroic, improbable feat. WHIG's timely initiation of operation on Channel 30 (at the interim tower site) depended on brute will power and the kindness of friends of the station – industry colleagues from here and there who lent WHIG a used antenna, a used transmission line, a used filter, a viable repurposed transmitter (the new DCA equipment had not yet been delivered) – on top of many labor hours. Tower climbers were assembled notwithstanding a resurgence of Covid-19 cases in the Rocky Mount area which, only a week earlier, had forced most of the team into lock-down. Similarly, the preparatory tower work described *supra* by WHIG's field engineer and his small team was done virtually *gratis* at the earliest feasible juncture. We narrate WHIG's efforts to realize the Commission's Repack purposes in these human-interest terms because they help to convey the earnest diligence and bona fides of this licensee. WHIG has been brutalized by the effects of the pandemic, yet it has refused to give up. We realize that going dark is, in the Repack procedural context, a prospect

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Waiver of the Tolling Rule. “Stations may seek a waiver of the tolling rule to receive additional time to construct in the case where ‘rare or exceptional circumstances’ prevent construction.” *Transition Procedures Public Notice* at ¶ 43. We have shown that such circumstances exist in this case. Waiver is appropriate because these circumstances, though not identical to the scenarios expressly named in the Tolling Rule, nonetheless have the same essential characteristics.

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For these reasons, RSS Media Marketing respectfully asks that the Media Bureau toll the WHIG construction deadline until April 30, 2021.

A request for an extension of WHIG’s Special Temporary Authority is being filed contemporaneously herewith.

that the FCC allows as a possibility. But that fate – for WHIG under the bizarre economic dynamics of 2020 – would be impossible to recover from.