

### **REQUEST FOR EXTENSION OF DIGITAL CONSTRUCTION PERMIT**

Polnet Communications, Ltd. (“Polnet”), licensee of low power television station WPVS-LP (the “Station”), respectfully requests a 180-day extension of its construction permit to allow it to complete construction of its digital facility through and including January 10, 2022.<sup>1</sup>

In the *LPTV DTV Third R&O*, the FCC established a fixed construction deadline/expiration date for all valid outstanding digital construction permits held by analog LPTV and TV translator stations on the date twelve months after the completion of the 39-month Post-Auction Transition Period.<sup>2</sup> At the same time, the Commission indicated that LPTV and TV translator stations may seek one last extension of time of up to six months to complete construction.<sup>3</sup> In seeking an extension, stations must show that the delay was due to circumstances that were either unforeseeable or beyond their control or due to financial hardship and that they have taken all reasonable steps to resolve the problem.<sup>4</sup>

The Station’s previous digital construction permit was displaced by the repack associated with the Incentive Auction. Polnet sought and was granted a construction permit for an alternate channel (File No. 000054524). Before applying for this displacement CP, Polnet received assurances that it would be able to lease space at the location specified in its displacement application. However, when Polnet contacted the landlord to begin construction, the landlord revoked his earlier commitment. This circumstance was unforeseeable and beyond Polnet’s control.

Station has actively been seeking an alternate affordable site, but its efforts have been impeded by shut-downs and delays associated with COVID-19.<sup>5</sup> With COVID-19 restrictions easing now, Polnet is confident that it will be able to locate an alternate site. Once secured, it will amend its construction permit and move quickly to complete build out of the Station.

Although Polnet has been unable to complete construction of its final facility, it has ceased analog operations and begun digital operations pursuant to Special Temporary Authority (See File No. 0000094848). Unfortunately, the site of its temporary operations is not available for permanent

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<sup>1</sup> 180 days from July 13, 2021 is January 9, 2022, a Sunday. While Polnet will endeavor to complete the Station’s digital facilities well before the new deadline, but seeks the maximum allowable time for administrative convenience.

<sup>2</sup> See *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd. 14927 ¶ 9 (2015) (“*LPTV DTV Third R&O*”).

<sup>3</sup> *Id.* ¶ 12.

<sup>4</sup> *Id.*; see also *Media Bureau Reminds Low Power Television and Television Translator Stations of July 13, 2021, Digital Transition Date*, DA 21-260 (MB rel. Mar. 4, 2021).

<sup>5</sup> In a March 17, 2020 Public notice, the Commission recognized that “construction and delivery delays that are occurring as a result of the COVID-19 pandemic, as well as efforts undertaken by the stations themselves to protect the health of their employees and their families, result from circumstances outside of a station’s control.” See *Guidance for Stations in Phase 9 of the Post-Incentive Auction Transition as a Result of the Novel Coronavirus (COVID-19) Pandemic*, Public Notice, 35 FCC Rcd. 2720 (IATF & MB 2020). The Commission subsequently granted a waiver to extend the Phase 10 completion deadline to several full power stations based on, among other things, COVID-19 related work stoppages and supply chain issues. See *Post-Incentive Auction Transition Request for Waiver of Cox Television Jacksonville LLC*, 35 FCC Rcd. 6826 (2020).

relocation. Additionally, use of this temporary facility will allow the Station to remain operational and serving its community while it completes construction of its final facility.

Polnet will work diligently to complete construction of the Station by the July deadline, however, given its difficulty to date securing an alternate transmitter site, it seeks this extension out of an abundance of caution. The extension is in the public interest because it will allow the Station to achieve the Commission's goal of providing digital service to viewers in the Station's service area.