

K20HB-D – Request for Extension of Construction Permit
LMS File No. 143153

Montana State University (“Montana State”), licensee of noncommercial educational TV translator station K20HB, Billings, Montana (“K20HB”), hereby respectfully requests 180 days of additional time to construct the digital flash cut facilities for K20HB pursuant to a waiver of the March 15, 2021 deadline for such extension requests.¹ As set forth herein, Montana State will be unable to construct its digital facilities before the July 13, 2021, construction permit expiration date due to rare and exceptional circumstances beyond its control.

Background

Montana State has been working diligently working on the transition of K20HB to digital operations. To that end, it recently filed an application for authority to flash-cut the station’s facilities to digital operations which was granted by the Commission on April 9, 2021.² The construction permit associated with the K20HB application, like all construction permits for LPTV stations and TV translators currently operating analog facilities, expires on July 13, 2021.³

Upon grant of the K20HB construction permit, Montana State moved as quickly as possible given the University procurement process to order the transmitter needed to construct the K20HB digital facilities. Montana State selected Gates Air as its transmitter vendor, as it is one of the few manufacturers that can also supply the required full emission mask filter. However, upon reaching out to Gates Air for quotes on the new transmitter, Montana State was advised that the company (like other manufacturers) was experiencing significant delays due to higher-than-expected order volume. Thus, the earliest the company could deliver the equipment was some time in July. A letter from Gates Air regarding the delays it is facing is attached hereto. As a result of these delays, Montana State cannot be certain that it will be able to construct the K20HB digital facilities by the July 13, 2021, expiration date of the station’s construction permit.

Extension and Request

In the *LPTV Digital Transition PN*, the Commission stated that it would grant 180-day extensions of LPTV and TV Translator digital construction permits based on circumstances that are either unforeseeable or beyond the licensee’s control, including an inability to obtain equipment.⁴ Such circumstances are present in the instant case, as discussed here. Extension requests, the Public Notice stated, must be filed by March 15, 2021.

Montana State will be unable to construct the K20HB digital facilities by July 13, 2021, due to exceptional circumstances beyond its control. As set forth above, but for the unforeseen

¹ Public Notice, Media Bureau Reminds Low Power Television and Television Translator Stations of July 13, 2021, Digital Transition Date, DA 21-260 at 1-2 (MB rel. Mar.4, 2021) (“*LPTV Digital Transition PN*”).

² See LMS File No. 143153.

³ See *LPTV Digital Transition PN*.

⁴ *LPTV Digital Transition PN at 1-2*.

delays faced by transmitter vendor, Gates Air, Montana State would be able to build the permitted digital facilities for its translator sufficiently in advance of the deadline. Montana State currently expects to receive the Gates Air transmitter before the end of July, 2021, and will work quickly to build and license the digital facilities as soon as the transmitter is received. Grant of an extension will not negatively impact any other broadcaster or the digital transition, as Montana State commits to ceasing K20HB analog transmissions on or prior to the July 13, 2021, deadline – the station will remain silent until such time as it can begin digital broadcasts. Montana State also respectfully requests a waiver of the March 15 deadline for submission of extension requests.⁵ Submission of this request prior to March 15 was not possible because the K20HB construction permit was not granted until April 9, 2021, and Montana State only learned of the Gates Air delays shortly thereafter. As set forth herein, good cause exists to waive the March 15 filing deadline and extend the expiration date of the K20HB construction permit for 180 days.

⁵ See *LPTV Digital Transition PN* at 1-2.