

## EXHIBIT SUPPORTING REQUEST FOR FURTHER TOLLING

RSS Media Marketing LLC ('RSS') is the licensee of WHIG-CD, 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. As the Media Bureau is aware, WHIG's operation on its new Channel 30 has temporarily been at variance from the technical parameters of its authorization, including operation from a temporary tower approximately 260 yards west of its permanent tower location. The at-variance facility is authorized under Special Temporary Authority (most recently) in LMS File No. 0000144220. The tolling of the construction permit necessary while the temporary operation remains in effect is authorized (most recently) in LMS File No. 0000144217.

§1. The narrative underlying WHIG's tolling requests is summarized briefly below. Updated information bearing on the instant application begins at §2.

All equipment needed to complete construction of the facility at its post-auction parameters has been delivered and is on hand. Timely construction was delayed initially because of a concern for the structural integrity of WHIG's permanent tower under the load parameters associated with the new antenna and related appurtenances RSS had purchased to conform WHIG to its Repack-mandated technical profile (the "New Loading").<sup>1</sup> When severe lightning struck the tower several days before the original construction deadline, concern for the stability of the tower compelled WHIG's relocation to the adjacent tower referenced above.

In its initial request to extend the construction deadline, RSS advised the Media Bureau that a structural analysis of the tower would be performed and that modifications to the tower might be required. RSS subsequently retained an engineering firm (TAE) to do the study. That report would contain two parts. Part One would be a definitive determination as to the structural integrity of the tower under the New Loading. Part Two would be a description of the steel package required to implement any modifications to the tower that might be necessary.

Because of delays relating to the Pandemic, TAE did not deliver the Part One portion of its analysis until November 6, 2020. The study found that critical portions of WHIG's tower would be stressed beyond allowed limits when subjected to the New Loading. Part Two of the TAE report – the portion setting out the details of the tower modification plan and specifications concerning the materials needed, was expected in March of this year. In the process of preparing that document, however, TAE decided that a new foundations study would be necessary. The geotechnical engineering firm Terracon was engaged to perform that analysis.

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<sup>1</sup> Load and stress issues in the context of the Repack often have arisen from this factor. The equipment required to meet the technical parameters of a Repack-mandated change – in this case the new DTV antenna and appurtenances – can have weight and balance characteristics quite different than the equipment being replaced. Moreover, many extant antenna structures were built decades ago and designed under EIA/TIA structural standards that have been superseded. Like scores of other existing towers, WHIG's tower was built in the 1980s and designed to comply with EIA-222-C, the standard in effect at that time. Today, in most states including North Carolina, *new* tower construction must satisfy recent versions of the standard (either EIA-222-G or H). Older towers generally are not required by state law to be updated unilaterally, but the prevailing industry norm is that substantial *modifications to an existing tower* should, for safety as well as for liability reasons, improve the structure grade to at least EIA-222-G. In the context of the Repack, in cases where new antennas have required modification of an existing older tower, this issue of standards compliance is a dimension of the engineering analysis that is added to and can complicate load and stress issues created when Repack-mandated equipment is installed.

As we indicated in our tolling request of April 28, it was assumed that the updated soil-foundations study would not reveal anything problematic and the scope of the modification effort would be limited to the deficiencies identified by TAE in Part One of its report. The April 28 tolling request projected a construction completion schedule based on this assumption.

§2. Unexpectedly, however, Terracon's study yielded problematic data. This information caused TAE to conclude that "the foundations are not adequate to support the proposed loading" – that is, the New Loading associated with the Repack-mandated facility change. (See Cover Letter to TAE Study, attached.) With respect to *modifying* the tower to accommodate the New Loading and to conform to EIA-222-G or H, TAE concluded that this was impossible. Concerning the prospect of modifying the tower to conform at least to the original "C" standard, TAE stated: "Modifications to alleviate the overstresses and bring the structure up to the original EIA-222-C standard with the proposed equipment changes . . . would likely include guy wire changes, adding sub-horizontal bracing, and increasing the size of the foundation." *Ibid.*

In light of this information it was necessary for WHIG to re-evaluate its options. We had thought that modifying the present structure would be a realistic course, but Terracon's negative findings put the advisability of the approach in doubt. The prospect is rife with uncertainties. Time, cost and safety prognoses are indeterminate at the threshold. They can only be ascertained one provisional step at a time as new steel is welded to old – continued progress up the tower being contingent on the outcome of the prior step. At any given point the impossibility of proceeding any further could manifest. For these reasons, the considered judgment of RSS, its engineers, and its tower team is that modifications to the structure would have to be too extensive for that approach to be viable.

There are also constraints with respect to WHIG's relocating. It is not an option to remain permanently on the tower from which its STA facility currently operates. At that temporary site, WHIG's antenna height is 300 feet, significantly lower than the 500 feet at which it is authorized in its CP. The lower height has caused severe coverage problems that have resulted in WHIG's loss of several key advertisers. No other space at higher elevation on the tower is available. Nor is there suitable space at any nearby towers.

Given these facts, WHIG last month began exploring the prospect of building a new tower. This has evolved to be the most appropriate course of action. In consultation with Sabre Industries – a premier tower manufacturer – a new tower has been selected and will be ordered next week. Sabre estimates a delivery time of 50 days. All drawings for the new structure have been completed. The tower crew required to execute the project are local to Rocky Mount, highly knowledgeable with respect to the history and facts of WHIG's situation, and have been scheduled. Preparations prior to the arrival of the steel package will be underway shortly – in particular, the laying of a foundation and placement of anchors. The foundation work will begin in the next two weeks. Thirty days is required for the concrete to fully set. The project involves a number of variables, as any new tower construction does, but the process from start to finish is a very clear picture and an experienced team is in place. They have projected that the new tower can be installed within 100 days, barring unforeseen obstacles. Accordingly, RSS would ask that the expiration of its construction authorization be tolled until November 10, 2021.

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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.

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



**TAE, Inc.**  
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May 21, 2021

Mr. Steve Smith  
Dish Technologies, LLC  
PO Box 8785  
Rocky Mount, NC

RE: Structural Tower Analysis  
Site Name: Rocky Mount  
Location: Brown Tower Lane  
Rocky Mount, NC  
TAE Project: 20511-02

Dear Mr. Smith:

TAE, Inc. has completed a detailed structural analysis of the above referenced tower for changes in the equipment loading. Enclosed, please find a copy of our analysis procedures and summary of results. Based on our calculations, and in our opinion, portions of the tower are stressed beyond the allowable stress limits of the **EIA-222-C** standard when subject to the loadings outlined herein.

Based on foundation information obtained from a Geotechnical Engineering Report by Terracon dated May 17, 2021, the foundations are not adequate to support the proposed loading outlined herein.

Modifications to alleviate the overstresses and bring the structure up to the original EIA-222-C standard with the proposed equipment changes have not been fully evaluated, but would likely include guy wire changes, adding sub-horizontal bracing, and increasing the size of the foundations.

We appreciate the opportunity to perform this service for you. Should you have any questions, or need additional information, please do not hesitate to contact me at your earliest convenience.

Sincerely,

**TAE, Inc.**  
Richard T. Talley, PE  
NC Firm C-1290

