



Federal Communications Commission
Washington, D.C. 20554

October 7, 2021

Word of God Fellowship, Inc.
Arnold Torres
3901 Highway 121, South
Bedford, TX 76021
Arnold.Torres@Daystar.com
(via electronic mail)

Re: Request for Tolling Waiver
WWIW-LD, Raleigh, NC
Fac ID No. 70113
LMS File No. 0000159580

Dear Licensee,

This concerns a request for waiver of the Commission's tolling provisions and tolling of construction permit expiration date (Request) filed by Word of God Fellowship, Inc. (WOGF) licensee of low power television station WWIW-LD, Raleigh, North Carolina (WWIW-LD or Station). For the reasons below, we grant WOGF's Request and toll the expiration date of the Station's construction permit to March 21, 2022.¹

Background. Requests for additional time to construct modified digital low power television facilities are subject to the Commission's tolling provisions of section 73.3598(b) of the Rules.² The Commission's tolling provisions provide that a construction permit deadline may be tolled under specific circumstances such as acts of God, delays due to administrative or judicial review, or construction that is delayed by any cause of action pending before a court of competent jurisdiction relating to any necessary local, state, or federal requirement for the construction or operation of the station, including any zoning or environmental requirement.³ If a station does not qualify for tolling under these criteria, good cause may exist to waive the Commission's tolling provisions and tolling may still be warranted where the licensee can demonstrate that "rare and exceptional circumstances" prevented construction by the station's construction permit expiration date.⁴

Request For Tolling Waivers. The Station's digital channel 45 facilities were displaced by the Incentive Auction and repacking process. WOGF filed displacement application requesting new digital channel 21 in the Commission's displacement application filing window for low power television stations

¹ Because 180 days from the Station's current construction expiration date falls on Saturday, March 19, 2022, we will toll the construction permit to the next business day, which would be Monday, March 21, 2022. *See* 47 CFR § 1.4.

² *See* 47 CFR § 73.3598(b).

³ *Id.*

⁴ *See 1998 Biennial Regulatory Review -- Streamlining of Mass Media Applications, Rules, and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17542, para. 42 (1999) (*Streamlining MO&O*) (recognizing that there may be "rare and exceptional circumstances" beyond the control of the licensee that do not fall under the tolling provisions, but "which would warrant the tolling of construction time." The Commission concluded that in such "limited circumstances," it would entertain requests for waiver of its "strict tolling provisions"); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972); 47 CFR § 1.3 (waiver for good cause shown).

that were displaced by the Incentive Auction and repacking process that was granted on September 18, 2018 (Displacement CP) with an expiration date of September 18, 2021.⁵

Since the grant of the Displacement CP, WOGF states that it has experienced numerous issues obtaining access to its tower site from the tower owner. After continually being denied site access, and with the construction permit expiration date fast approaching, WOGF decided to move to a new tower site and filed an application for minor change on July 22, 2021.⁶ WOGF then was able to construct a reduced power facility and began operating on channel 21 on August 14, 2021, under special temporary authority (STA).⁷ WOGF states that all of the equipment necessary to build out its facility is on site and ready to be installed, however it cannot proceed with doing so until it receives the proper local zoning permits. WOGF states that it will complete construction and begin operations with its permanent channel 21 facilities promptly after the local permits are granted. Based on the foregoing, WOGF requests that the Commission waive its tolling rules and toll its construction permit for 180 days.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to waive the rules and toll the expiration date of the Displacement CP to March 21, 2022.⁸ WOGF has demonstrated that it has been diligently making progress towards completion of the Station's displacement facilities but was unable to complete construction due local permitting delays. Ultimately, we conclude that the public interest will be served by grant of waiver and tolling of the Station's construction permit.

We remind WOGF that, pursuant to the Reimbursement Expansion Act, the Station is eligible for reimbursement from the TV Broadcast Relocation Fund (Fund) of costs reasonably incurred as a result of the reorganization of broadcast television spectrum.⁹ Please note, however, that additional expenses incurred, such as those resulting from changes in a Station's plans to construct its displacement facilities that are unrelated to the displacement, may not be eligible for reimbursement from the Fund.

We further remind WOGF that the deadline for submitting final expense documentation for reimbursement for eligible Stations is September 5, 2022.¹⁰ Thus, we strongly encourage the WOGF to

⁵ See LMS File No. 0000051778; *Special Displacement Window PN; Incentive Auction Task Force and Media Bureau Extend Post Incentive Auction Special Displacement Window Through June 1, 2018*, Public Notice, 33 FCC Rcd 3794 (IATF/MB 2018).

⁶ See LMS File No. 0000153621.

⁷ See LMS File No. 0000157384.

⁸ 47 CFR § 73.3598(b).

⁹ See *Consolidated Appropriations Act, 2018*, Pub. L. 115-141, at Division E, Title V, § 511, 132 Stat. 348 (2018) (codified at 47 U.S.C. § 1452(j)-(n)). See also 47 CFR § 73.3701 (Reimbursement Under the Reimbursement Expansion Act); *LPTV, TV Translator, and FM Broadcast Station Reimbursement; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 34 FCC Rcd 1690 (2019); and *LPTV, TV Translator, and FM Broadcast Station Reimbursement; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Notice of Proposed Rulemaking and Order, 33 FCC Rcd 7855 (2018).

¹⁰ See *Invoice Filing Deadlines for TV Broadcaster Relocation Fund*, Public Notice, 35 FCC Rcd 11273, 11277, paras. 10-11 (IATF/MB 2020) (setting three filing deadlines for the submission of all outstanding repack invoices, notably: 1) October 8, 2021 for eligible entities assigned repack transition completion dates in the first half of the 39-month post-auction transition period; 2) March 22, 2022 for entities assigned completion dates in the second half of the transition period; and 3) September 5, 2022 for all other participants in the reimbursement program).

diligently pursue completion of the current deadlines to improve the likelihood that there will be sufficient funds available to reimburse the Station for its legitimate expenses, and we encourage WOGF to submit eligible invoices as soon as practicable.

The above facts considered, the request for waiver of the tolling rules of Word of God Fellowship, Inc. **IS GRANTED** and the expiration date of the construction permit (LMS File No. 0000153621) for WWIW-LD, Raleigh, North Carolina, **IS TOLLED** to March 21, 2022. We note that another request for tolling or tolling waiver will not be favorably viewed unless accompanied by a showing and written support that completion of the Stations' permanent displacement facilities was prevented by additional rare and extraordinary circumstances outside of the Stations' control. WOGF must also include with any such request a detailed plan for completing construction and returning the Stations to operation.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Ari Meltzer, Esq.