



November 15, 2021

Re: Request for Tolling Waiver  
FI 130171 K40MT-D displaced to K31NL-D  
File 0000042866

Edge Spectrum, Inc. hereby requests a waiver of 47 CRS § 73.3598(b) tolling requirement for additional time to construction the displacement CP related to the 2018 TV Spectrum Repack and Reimbursement Program, the grant of which is in the public interest to allow Edge Spectrum to complete construction process and better serve viewers. Edge Spectrum, Inc. also requests a late filing of this tolling waiver due to an administrative error concerning the CP expiration date.

### **1. All Steps Taken to Complete Construction Since Grant of the Construction Permits**

Edge Spectrum has made great progress towards completion of its required builds identified in this letter. As the Commission knows, vendor negotiations are conducted based on scale. As a result, the timeline for these negotiations and orders is the same for each facility. Edge Spectrum required equipment from three vendors: Comark for transmitters and Dielectric and Kathrein for antennas.

In person visits with Comark were conducted in August of 2018, February and September of 2019, January and July of 2020. In addition to emails, conference meetings, and the in-person meetings at trade shows.

A tour of the Dielectric facilities was conducted in September of 2018, in addition to emails, conference meetings, and the in-person meetings at trade shows. Due to a mistake by the vendor, Dielectric notified Edge Spectrum in June of 2020 that it required additional engineering confirmation prior to the placement of antenna orders.

In person meetings with Kathrein were done in January and September of 2019, March and October of 2020. Final quotes were received and reviewed in February of 2020.

Site surveys for all construction permits were required and conducted between April and June of 2020 despite the COVID-19 pandemic.

### **2. Circumstances Outside Edge Spectrum's Control that Prevented Construction**

This station was displaced as a result of the voluntary incentive auction of broadcast television spectrum.

As the Bureau is aware, displacements occurred in May of 2018. Planning and construction of a new facility cannot begin until after frequencies have been assigned by the Commission. Processing of displacement applications for LPTV extended until the Fall of 2019.

Upon frequency assignment, Edge Spectrum applied for repack reimbursement made available pursuant to the Reimbursement Expansion Act via Form 399 in September 2019. Form 399 approvals were not granted until early 2020 and as a result procurement of necessary equipment could not begin in earnest until April 2020.

Although Edge Spectrum submitted orders for the necessary equipment within a timeframe that should have allowed the timely completion of construction, supply chain disruptions have resulted in significant delivery delays, preventing Edge Spectrum from completing construction and disrupting the entire ecosystem necessary to construct the significant number of LPTV new construction and displacement facilities that require the same installers, riggers, and other infrastructure.

### **3. Timeline for Completion**

Once all of the equipment is delivered, Edge Spectrum will need to schedule the necessary personnel to complete the installation. Due to labor shortages and competition for scarce installation resources,

The transmitter and related equipment for this station are ordered. The current CP expiration date is 11/07/2021. The transmitter and antenna are in storage. Applicant is currently working to schedule a to complete construction. A six month extension of this CP would allow the additional time necessary to complete the transition of this station to its new digital channel.

We will continue to update the Commission regarding any additional delays that may further impact Edge Spectrum's ability to timely complete construction of the aforementioned facilities.

Sincerely,



Randy Weiss  
Edge Spectrum, Inc.