

WAIVER and TOLLING REQUEST

Sorensen Television Systems, Inc., (“STS”) respectfully requests (1) a waiver of Section 74.731(m) of the Commission’s rules and the July 13, 2021 digital conversion deadline and analog license cancellation provision for its low power TV station, KPPI-LD, Fac. ID No. 125202, Garapan, Saipan, MP; (2) requests a waiver of Section 74.788(c)(3) of the deadline to file an extension of the digital flash cut construction permit and (3) requests additional time to construct pursuant to the tolling provisions of Section 73.3598(b) of the rules. STS greatly regrets that KPPI’s construction permit, File No. 0000136691, was inadvertently allowed to expire on July 13, 2021. Based upon the unique and extraordinary circumstances described below, STS seeks tolling of its construction permit until March 15, 2022

KPPI-LD serves the island of Saipan, population approx. 47,000, by rebroadcasting KTGM-DT (Fac. ID. 29232), Tamuning, Guam, which is the ABC affiliate for Guam, Saipan and the Northern Mariana Islands. **KPPI-LD is the only over the-air television transmission operating in Saipan.** Saipan is the largest island in the Northern Mariana Islands. It is about 120 miles north of Guam, which itself is approximately 3, 945 miles west of Hawaii in the North Pacific. For perspective, Saipan is approximately 6,000 air miles from Los Angeles, CA and 1,600 miles east of Manila, Philippine Islands. Everything that is shipped to Saipan must come through Guam. Needless to say, Saipan is one of the farthest and most remote territories of the United States.

Grant of this waiver would allow KPPI-LD to continue providing ABC network affiliate programming and local Guam programming to a significant population on a remote island with no other local TV facilities and few local TV signals, even over cable. Saipan, as an island in the North Pacific, is also subject to sudden and extreme weather conditions. Without a local broadcasting outlet, Saipan could easily be cut off from vital emergency broadcasts and public safety information.

However, Saipan’s extreme remoteness is only one of the reasons that STS has been prevented from converting KPPI-LP to digital operation. Rex Sorensen, founder and President of STS, passed away in 2019. In the interim, and especially in the last year, there has been a series of successive managers and technical

staff, inimical to any institutional memory and the continuity of projects. This delayed the actual payment of ordered equipment as the project had to be re-explained and re-started with each personnel transition. Further, it is axiomatic that, being an island in the North Pacific, experienced technical personnel are not easily replaceable. The global pandemic, which has, until very recently, spared Guam and Saipan, has, however, had its effect on the manufacture and shipping of necessary equipment to Guam.

Despite the foregoing, STS diligently planned for the analog/digital transition for KPPI-LP. The licensee knew that it needed (1) an Enco server with clipware software; (2) An Adtec HD encoder and decoder to relay the shows from Guam to Saipan; and a GatesAir transmitter with a digital antenna.

The Enco Server and software was ordered on February 17, 2021 and, delayed by parts shortages as a result of supply issues, finally received on November 3, 2021.

The GatesAir Transmitter was ordered on May 21, 2021 and delivered on September 6, 2021.

The Adtec HD encoder and decoder was ordered on June 22, 2021, final payment was made January 3, 2022 and delivery is promised in mid-January.

STS has committed approximately \$36, 500 so far in the conversion process.

STS estimates that, accounting for delivery, testing, Covid quarantines in Guam and/or Saipan and construction, KPPI-LD's digital conversion can be complete by mid-March, 2022.

As indicated, KPPI-LP is not only Saipan's ABC network affiliate, but KPPI-LP is the ONLY OVER-THE-AIR OPERATING TELEVISION BROADCAST IN SAIPAN which has a population of over 47,000. KPPI-LD rebroadcasts KTGM, Tamuning, Guam, which is the closest, larger population center and media outlet. KPPI-LP's continued operation is vital to a far flung and isolated community that is heavily reliant on local news, public affairs programming and especially weather reports and EAS information.

Finally, the digital transition rules pre-suppose that compliance is necessary because of the displacement of other digital facilities. None of the technical rationale for the re-pack exists in Guam and especially Saipan; there are no other facilities to be displaced.

A station, like KPPI-LD, may seek additional time to construct its facility pursuant to a request to waive the tolling standard as set forth in Section 73.3598(c) of the rules upon a showing of rare and extraordinary circumstances.¹ The Commission may waive a rule where the particular facts make strict compliance inconsistent with the public interest, special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.²

Accordingly, extending KPPI-LD's digital construction permit and allowing KPPI-LD until March 15, 2022³, to terminate its analog transmissions would serve the public interest. As indicated above, STS has committed the financial resources to complete the work and, despite unique and unfortunate circumstances, has managed to keep the conversion project going. STS submits that grant of the waiver of Sections 74.731(m) and 74.788(c)(3) would be in the public interest and respectfully requests additional time to construct pursuant to the tolling provisions of section 73.3598(b) of the rules.

¹ See *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, Public Notice, DA 18-884 (rel.Aug.27, 2018) at paragraphs 13 and N.34.

² See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)

³ STS would provide the Commission with a progress report detain construction of KPPI-LD's digital facilities no later than February 15, 2022.