



Federal Communications Commission  
Washington, D.C. 20554

January 21, 2022

Sorensen Television Systems, Inc.  
P.O. Box 96913  
Suite 201  
Tumon, GU 96913  
[amoskowitz@amoskowitzlaw.com](mailto:amoskowitz@amoskowitzlaw.com)  
(sent via electronic mail)

Re: Request to Reinstate License and Digital  
Construction Permit and For Tolling  
Waiver  
KPPI-LP, Garapan, Saipan, MP  
Facility ID No. 125202  
LMS File No. 0000178968

Dear Counsel:

This letter concerns the Request for Reinstatement, Waiver, and Tolling/Extension (Request) filed on behalf of Sorensen Television Systems, Inc. (STS) seeking reinstatement of the license and digital construction permit, waiver of the Commission's tolling provisions, and tolling of the reinstated construction permit for KPPI-LP, Garapan, Saipan, Northern Mariana Islands (KPPI-LP or Station). For the reasons set forth below, we grant the Request, reinstate the Station's license, and reinstate and toll the digital construction permit to March 15, 2022.

*Background.* KPPI-LP is a low power television station that operated in analog on channel 7 and pursuant to the Commission's rules went silent on July 13, 2021, as part of the low power television digital transition.<sup>1</sup> The Station was granted a construction permit to convert to digital (Digital CP)<sup>2</sup> and was assigned a construction permit expiration date of July 13, 2021.<sup>3</sup> Because neither an application for license to cover nor application for extension of construction permit was filed on or before the July 13,

---

<sup>1</sup> See 47 CFR § 74.731(m).

<sup>2</sup> See CDBS File No. BDFCDVL-20090629AAJ, as modified by LMS File No. 0000136691. See *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 03-185, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd 14927, 14932-33, para. 9 (2015). In that decision, the Commission extended the LPTV digital transition date and all valid digital construction permit expiration dates for an analog station's until 12 months following the completion of the 39-month post-Incentive Auction transition period or 51 months from the completion of the Incentive Auction and the release of the *Closing and Channel Reassignment Public Notice*. *Id.* See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (IATF and MB 2018) (*Closing and Channel Reassignment Public Notice*). Given the April 13, 2017 release date of the *Closing and Channel Reassignment Public Notice*, the LPTV digital transition date and expiration date of all analog stations' digital construction permits were set as July 13, 2021.

<sup>3</sup> See 47 CFR § 74.788(a).

2021 expiration date, the Digital CP expired and was automatically forfeited.<sup>4</sup> Furthermore, the Station's analog license was automatically cancelled at 12:00 A.M. (local time) on July 14, 2021.<sup>5</sup>

LPTV/translator stations that experienced delays in completing their digital facilities were permitted to seek a single six-month extension of time of their digital construction permits. Such requests were required to be filed by March 15, 2021.<sup>6</sup> Requests for additional time to construct beyond the six-month extension were subject to the Commission's tolling provisions of section 73.3598(b) of the Rules.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup>

*STS Request.* In its Request, STS states that it inadvertently allowed the Digital CP to expire on July 13, 2021. STS states that the Station did terminate analog operations on July 13, 2021, per the Commission's rules. STS further states that it has continued to diligently pursue construction of the

---

<sup>4</sup> See 47 CFR § 74.788(b)

<sup>5</sup> See 47 CFR § 74.731(m). The Commission has a long-established policy of the "single, unified station license" as part of the digital conversion process. See *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Second Report and Order, 26 FCC Rcd 10732, 10755, para. 48 (2011) citing *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Report and Order, 19 FCC Rcd 19331, 19390, n. 362 (2004) (stating that the Commission has always been clear that the station's two "authorizations" are part of a single, unified license) (emphasis added). Therefore, an analog LPTV/TV Translator station whose analog license is automatically cancelled and does not have a digital construction permit no longer has a valid facility.

<sup>6</sup> See 47 CFR § 74.788(c)(3). An application for extension of time to construct was required to include an exhibit demonstrating that failure to meet the construction deadline is due to circumstances that are either unforeseeable or beyond the licensee's control and that the licensee has taken all reasonable steps to resolve the problem expeditiously. Such circumstances include, but are not limited to: (1) delays in obtaining zoning or other approvals, or similar constraints; (2) inability to obtain equipment; or (3) financial hardship. See e.g., *Media Bureau Reminds Low Power Television and Television Translator Stations of July 13, 2021, Digital Transition Date*, Public Notice, 36 FCC Rcd 4771, 71-72 (MB 2021). Stations that were unable to file their requests by March 15, 2021, were required to include a request for waiver of the CP extension filing deadline along with its request for extension.

<sup>7</sup> See 47 CFR § 73.3598(b).

<sup>8</sup> *Id.*

<sup>9</sup> 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"). See *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).

Station's digital facilities and argues that it would have qualified for an extension had it filed for one before the July 13, 2021 deadline.<sup>10</sup> For example, STS notes that in February 2021 it ordered a server and encoder that were not delivered until November 2021 due to the remote location of the island and the effects of the COVID-19 pandemic on the manufacture and shipping of necessary equipment to the island. STS goes on to state that the Station's transmitter was ordered in May 2021 and after similar delays due to COVID-19 and the remote location of its facility, it was finally delivered in September 2021. STS states that the final pieces of equipment have been ordered and it expects delivery in January 2022. STS estimates that, accounting for delivery, testing, COVID-19 pandemic related quarantines in Guam and/or Saipan, KPPI-LP's digital conversion can be complete by mid-March 2022.

KPPI-LP is the sole over-the-air television station on the island of Saipan and serves a population of over 47,000 persons. STS argues that grant of its Request would allow KPPI-LP to provide digital ABC network affiliate programming, a rebroadcast of programming being aired by KTGM(TV), Tamuning, Guam, an ABC network affiliate, which serves Guam's main population center, and other local programming including local news, public affairs programming, and especially weather reports, and EAS information. STS maintains that Saipan, as an island in the North Pacific, is subject to sudden and extreme weather conditions. Without a local television broadcasting outlet, STS states that Saipan could easily be cut off from vital emergency broadcasts and public safety information. STS argues that KPPI-LP's continued operation is vital to its isolated island community. STS concludes that reinstating the Station's license and tolling the Digital CP until March 15, 2022 would serve the public interest.

*Discussion.* Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to reinstate the KPPI-LP license, reinstate its digital construction permit, and waive our rules to toll the Digital CP to March 15, 2022. Although STS allowed the Station's Digital CP to expire on July 13, 2021, we find that STS has made significant progress on constructing the Station's digital facilities, and not only would have easily qualified for a six-month extension of time, had it made a timely filing, but also has clearly justified waiver of the tolling rules. STS has diligently undertaken efforts to complete construction and will soon resume operation affording its viewers all the benefits of digital television for the first time. As the only over-the-air television service for the island of Saipan, we recognize the importance of reinstating the Station's license so that it can once again provide important news and public safety information to the island's residents. Ultimately, we conclude that the public interest will be served by grant of STS's Request.

Accordingly, the Request for Reinstatement, Waiver and Tolling/Extension filed on behalf of Sorensen Television Systems, Inc. **IS GRANTED**, the license of KPPI-LP, Garapan, Saipan, Northern Mariana Islands, **IS REINSTATED** and the digital construction permit (LMS File No. 0000136691) is **REINSTATED AND TOLLED to March 15, 2022**.

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc (via electronic mail): Allan Moskowitz, Esq.

---

<sup>10</sup> See *supra* note 6.