

## **TOLLING WAIVER REQUEST**

As explained in the attached Declaration of Joseph V. Earley, construction pursuant to 0000054796 was done at the wrong location. Tolling is requested to allow for the following:

- (a) Reinstatement of the construction permit;
- (b) Filing of a modification application; and
- (c) Filing of a license to cover.

The construction at the wrong location was totally inadvertent.

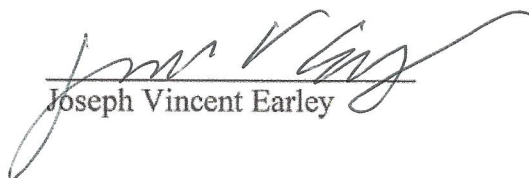
### DECLARATION

Joseph V. Earley, a principal in Broadway Communications, LLC, licensee to WOTM-LD, Birmingham, AL (Facility ID No. 64339), hereby states, under penalty of perjury, the following:

The attached construction permit, as amended, was built. However, as will be demonstrated, due to an inadvertent error, the station was constructed at the incorrect coordinates. In this regard, a qualified freelance engineer to oversee the buildout of the construction permit was hired. He, apparently, was mistaken about the tower site location, and moved forward at the incorrect site. After the equipment was in the building and leg work was done relative to construction, he passed away unexpectedly. A third party was retained, subject to the approval of the tower company, and hired to complete the buildout, pursuant to the specs of the CP, but unbeknownst to any of the principals of Broadway Communications, LLC, at the wrong site. It was only when we were in the process of securing a new engineer to maintain the transmitter that we became aware that the station was constructed at the wrong site. As a result, Broadway Communications, LLC immediately shut down the operation. *See* January 26, 2022 submission, LMS File No. 0000181536. In addition, on February 1, 2022, a modification was filed to reflect the actual constructed site. *See* LMS File No. 0000184019.

I apologize for the confusion and request that the Commission grant tolling, so that the inadvertent error may be corrected.

February 2, 2022

  
Joseph Vincent Earley