

### **Request for Waiver of Tolling**

Word of God Fellowship, Inc. (“WOGF”), licensee of low power television station WCTD-LP and permittee of digital low power television station WCTD-LD (the “Station”), respectfully requests a waiver of the Commission’s tolling standard to provide WOGF with an additional 180-days to complete construction of its digital facility through and including July 11, 2022.<sup>1</sup> Waiver of tolling is warranted because, as described in further detail below, WOGF was unable to complete construction of the Station’s digital facilities by January 10, 2022 due to rare and exceptional circumstances beyond its control. Although WOGF is requesting an additional 180 days, it expects to complete construction of the Station’s digital facilities within 90 days.

On April 28, 2021, the Commission granted an extension of the Station’s digital construction permit through January 10, 2022. File No. 0000139822. Thereafter, WOGF determined that the most efficient way to complete construction of the Station’s digital facilities by the deadline was to enter into an agreement with Gray Television to construct the facilities at Gray’s tower sites. While those discussions were underway, WOGF’s President, Marcus Lamb, who was deeply involved in the Station’s day-to-day operations became ill with Covid-19 and the discussions were temporarily suspended. After being hospitalized for several weeks, Mr. Lamb died on November 30, 2021.<sup>2</sup>

Following Mr. Lamb’s death, the discussions with Gray ended and Daystar has worked diligently to complete construction of the Station’s digital facilities with existing equipment at reduced power while it orders the necessary equipment needed for operation at the non-Gray sites. On January 8, 2022, WOGF filed an application for a minor modification to allow the Station to commence digital operations using existing equipment. File No. 179370. That application remains pending, however, so WOGF is filing this application out of an abundance of caution.

Under the present circumstances, a waiver of tolling and extension of the Station’s digital construction permit is justified. 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>3</sup> If a station does not qualify for tolling under these criteria, good cause may exist to waive the Commission’s tolling provisions and still toll the expiration of the Station’s construction permit where the station can demonstrate that “rare and exceptional circumstances” prevented construction.<sup>4</sup>

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<sup>1</sup> 180 days from January 10, 2022 is July 9, 2022, a Saturday. WOGF will endeavor to complete the Station’s digital facilities well before the new deadline but seeks the maximum allowable time for administrative convenience to avoid the need for further extensions.

<sup>2</sup> Obituary, Marcus D. Lamb, Dignity Memorial, <https://www.dignitymemorial.com/obituaries/colleyville-tx/marcus-lamb-10469760>.

<sup>3</sup> 47 C.F.R. § 73.3598(b).

<sup>4</sup> See 1998 Biennial Regulatory Review -- Streamlining of Mass Media Applications, Rules, and Processes, Memorandum Opinion and Order, 14 FCC Rcd. 17525 ¶ 42 (1999) (recognizing that there may be “rare

A waiver of tolling is appropriate here because WOGF's inability to complete construction of its digital facilities for the Station is due to rare and exceptional circumstances beyond its control.<sup>5</sup> WOGF, at the direction of its former President, Mr. Lamb, was finalizing a plan to work together with Gray to construct the Station's digital facilities from the nearby Gray tower site. Those plans were disrupted when Mr. Lamb contracted Covid-19 and ultimately passed away. Following Mr. Lamb's death and the internal transition, WOGF has been working diligently to complete construction of the Station's digital facilities. WOGF only had six months to complete construction following the grant of its initial extension request. That would have been sufficient time but for the disruptions related to Mr. Lamb's passing.<sup>6</sup> Nevertheless, WOGF undertook to commence digital operations at reduced power and is awaiting a grant of its minor modification application to do so.

WOGF is prepared to commence digital operations at reduced power immediately and expects to complete construction within 90 days.

For the reasons stated above, the Commission should waive the tolling standard and provide WOGF with an additional 180 days to complete construction and license the Station's digital facilities.

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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.").

<sup>5</sup> See *1998 Biennial Regulatory Review -- Streamlining of Mass Media Applications, Rules, and Processes*, Memorandum Opinion and Order, 14 FCC Rcd. 17525 ¶ 42 (1999) (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").

<sup>6</sup> See File No. 0000160014 (granting tolling where delay was caused in part by death of family member).