

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

Word of God Fellowship, Inc. (“WOGF”), licensee of low power television station KRJR-LP and permittee of digital low power television station KRJR-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> A 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. 0000139778. Thereafter, WOGF began working diligently to complete the construction of its digital facilities. Because the facilities are located in the Sacramento area, the permitting process for installing a new antenna could include significant delays. The process was further delayed when WOGF’s President, Marcus Lamb, who was deeply involved in the Station’s day-to-day operations became ill with Covid-19. After being hospitalized for several weeks, Mr. Lamb died on November 30, 2021.<sup>2</sup>

Following Mr. Lamb’s death, WOGF resumed its efforts to work with the owner of the site, American Tower, to complete construction. Due to the limited time before the January 10 deadline, WOGF also developed a plan to commence digital operations from its existing analog site. On January 8, 2022, WOGF filed an application for a minor modification to allow the Station to commence digital operations from its analog site using existing equipment. File No. 179324. 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 has been working to coordinate with American Tower to complete construction of the Station's facilities at a site located in a flooding area. In the meantime, WOGF's efforts were delayed 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 proved challenging given the area at which the site is located. Nevertheless, WOGF undertook to commence digital operations from its analog site (approximately 15 miles away) and is awaiting a grant of its minor modification application to do so.

WOGF is prepared to commence digital operations immediately at reduced power 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").