

Tolling Waiver Request

The post-auction broadcast facilities of Sun Broadcasting Inc.'s (Sun's) station WXCW are being constructed on Fort Myers Broadcasting Company's (FMBC's) tower in Punta Gorda, Florida. FMBC's tower contractor informs it that construction of WXCW's post-auction transmitting facilities has progressed to the point that approximately five days of tower work remain to complete installation of its antenna and transmission line. Unfortunately wind conditions at the tower site are such that work on the tower was suspended on March 7, 2022 for safety reasons. The tower crew remains on site ready to resume work when the weather breaks. However weather forecasts for the region indicate that dangerous wind conditions will likely continue at the tower site into the week of March 13. To permit safe completion of the required tower work, Sun requests that WXCW's post-auction construction permit be tolled from March 7, 2022, until weather conditions at the FMBC tower site permit safe installation of WXCW's antenna and transmission line. For purposes of this application, Sun is requesting tolling until June 30, 2022, so that it can be reasonably certain of having sufficient good weather to complete construction. Sun will update the Commission when wind conditions allow resumption of antenna installation.

Included in the attachments to this tolling application is the March 13, 2022 statement of William Harland, the Vice President of Marketing for FMBC's tower contractor. Mr. Harland identifies the weather conditions that have prevented completion of installation work on the FMBC tower and discusses the need for extension of the WXCW construction permit to allow sufficient time to complete station construction in a safe manner.

In view of the foregoing, Sun submits that it has been prevented from completing construction of WXCW by factors wholly outside of its control, factors that present construction obstacles similar in effect to those created by a natural disaster. Under these circumstances, the public interest is best served by waiving tolling requirements, extending the WXCW construction period, and allowing construction of WXCW to proceed as soon as favorable weather conditions permit.