VIA LMS

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
45 L Street NE
Washington, DC 20554

Attention: Chief, Video Division, Media Bureau

Re: Request for Tolling
K28QJ-D, Duluth, MN (FID 187827)

Dear Ms. Dortch:

I am the President of Edge Spectrum, Inc. (the "Licensee")]. I am writing to provide additional information in support of our request for tolling for the construction permit of K28QJ-D (the "Station").

The Licensee has not been able to complete construction of the Station because of delays in obtaining the necessary transmitter equipment from Anywave Communications ("Anywave"). As explained in the attached letter from Anywave, our project manager, ARK Multicasting ("ARK"), began working with Anywave on a transmitter solution for the Station in early 2021. ARK ordered a transmitter for the Station on June 4, 2021 with the understanding that Anywave would deliver the first batch of transmitters by September (and face a financial penalty if it did not). Unfortunately, after the transmitter for the Station was ordered, Anywave had to shut down its production plant and, as a result, its deliveries were delayed. When the first units arrived, several were dead on arrival and others had a problem with their filters. Those issues are now resolved.

As of February 28, 2022, Anywave had delivered 71 transmitters to ARK, which is in the process of implementing a solution for the filter issue and deploying those transmitters. The next batch of translators will arrive by mid-May.

As demonstrated herein and in our initial tolling request, the delay in completing construction of the Station is due to circumstances beyond the Licensee's control. Still, we acknowledge the extraordinary nature of this request for additional time. Based on current estimates we anticipate that the Station will be constructed by 7/1/2022. This date remains subject to a number of variables that may require flexibility on our part, including extreme weather and further delays in the shipment and delivery of the transmitters from our vendors. Nevertheless, we remain confident that we can complete construction of the Station no later than September 6, 2022.

Along those lines, the Licensee hereby commits that this will be its final request for additional time to complete construction for the Station. The Licensee will not seek tolling or other extensions of the Station's construction permit beyond September 6, 2022. In the unlikely event that construction of the Station is not completed by September 6, 2022, the Licensee agrees to relinquish its construction permit for the Station and understands that any further request for tolling or an extension as to the Station will be dismissed no matter the circumstances. Furthermore, to the extent that during the extended construction period it becomes clear prior to September 6, 2022 that construction will not be complete

by the deadline, the Licensee will promptly relinquish the Station's construction permit. The Licensee also agrees to provide monthly updates to Video Division staff on the construction status of the Station and any changes in its anticipated completion date.

We appreciate the Commission's understanding and look forward to serving the public on this Station.

Sincerely,



Randall Weiss
President, Edge Spectrum, Inc.

February 28, 2022

RE: Status of Transmitter Order

To Whom It May Concern:

I am writing to provide an update on the status of the delivery of certain 300-watt UHF and 120-watt VHF outdoor transmitters from Anywave Communications ("Anywave") to ARK Multicasting ("ARK").

By way of background, ARK first contacted Anywave in the early part of 2021 following ARK's discussions with the FCC about the possibility of constructing low power television stations that used a smaller footprint to overcome unforeseen delays resulting from the COVID 19 pandemic, longer than normal tower design and permitting delays, and supply chain disruptions. ARK indicated that it was looking to purchase approximately 250 outdoor transmitters capable of producing up to 300 watts UHF or up to 120 watts VHF. We understand that ARK had previously ordered similar transmitters from another provider who was unable to timely deliver any of the ordered units.

Although we did not have any transmitters available in the United States that fit ARK's specifications and timeline, we had previously developed a comparable unit for use in Brazil that we expected to become available in the United States by the end of Q2 2021. In May 2021, ARK placed an order for a demo unit of this new product, which we committed to deliver within 30-45 days. We also provided ARK with a proposal on June 1, 2021, to deliver the remaining transmitters, with the first order of 50 transmitters to be delivered within 90 days and additional quantities to be delivered at a rate of 50 transmitters per month until ARK's needs were satisfied. Under that schedule, we anticipated delivering 250 transmitters to ARK by the end of 2021. We were confident enough in our production schedule that we agreed to a financial penalty if the first 50 units were not delivered within the 90-day window.

In recognition of the need to maintain an accelerated delivery schedule to meet the forthcoming FCC deadlines, ARK placed an initial order for 50 transmitters June 4, 2021 – before we had delivered the test unit. Anywave understood and expected that once the test unit was verified and the first batch was received and tested, follow-on shipments would be carried out in batches of 50 with subsequent invoice numbers and payments when each batch was ready.

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Unfortunately, after ARK submitted its order, we had to shut down our production plant due to power outages and COVID outbreaks. As a result, we were unable to deliver the test unit by mid-June, as promised. We were finally able to ship the first unit to ARK in late July; however due to well-documented Transpacific shipping delays, the unit did not arrive at ARK's facilities until August 2021.

Despite these delays, ARK placed an order for an additional 30 units on July 19, 2021, after seeing a virtual demo of the unit. At that point, we had a firm commitment for 80 units with the understanding that we would provide approximately 170 additional units.

The same production delays that prevented us from timely shipping the test unit also delayed shipment of the first batch of transmitters, which were delivered in late September 2021 – almost a month later than expected. Because we were unable to meet our commitment, we accepted the financial penalty we had agreed upon with ARK. In October 2021, ARK notified us that several of the units included in this first batch were faulty or dead-on arrival. Although we have been able to rectify most of these defects, as of this writing we are still working to replace or repair 4 units from the initial shipment.

In November 2021, ARK notified us of a problem with the filter that was resulting in unexpected interference to mobile services. Although we worked expeditiously to develop and test a solution, we were not able to present this solution to ARK until February 16, 2022. This solution is now ready to be deployed, and we believe it will fully address the concerns.

On December 3, 2021, Anywave delivered a second batch of approximately 30 transmitters to ARK. Unfortunately, 5 units were delayed getting through customs and still have not been delivered to ARK as of this writing.

We are cautiously optimistic that the unexpected challenges we have faced over the past 10 months – rolling power outages, COVID outbreaks, and shipping/customs delays – are mostly behind us. We have also resolved the filter issue that resulted in unexpected interference. As a result, ARK can now deploy the transmitters as soon as they are received.

To date, Anywave has delivered to ARK 71 working units of the expected 250 transmitters. We expect the remaining 9 transmitters to arrive within weeks and to ship the next batch of 50 transmitters within 45 days and another batch of 50 transmitters within 75 days. As a result, by mid-May, we expect to have delivered at least 180 transmitters to ARK. We recognize that ARK is working with multiple manufacturers to fulfill its needs as expeditiously as possible, and we are continuing to work with ARK to make sure all its needs are satisfied.

Please feel free to contact me if you have any questions regarding this update.

Sincerely,



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