

Val Vista RV Park, LLC
Request for Extension of Construction Permit
Section 73.3598(b) Tolling and Extension of Permit Request
W27DQ-D Elmhurst, MI, Facility ID# 184934
W31FA-D Elmhurst, MI, Facility ID# 184943

Val Vista RV Park, LLC (“Val Vista”) permittee of the construction permits (“CP”) for W27DQ-D Elmhurst, MI, Facility ID# 184934 and W31FA-D Elmhurst, MI, Facility ID# 184943, requests tolling and further extension of its Elmhurst construction permits. On June 3, 2022, Val Vista filed a Request for Extension of Construction Permit (“Request”), explaining that despite Val Vista’s best efforts, it was unable to complete construction on the CP prior to its expiration date due to circumstances beyond its control. The Commission granted Val Vista’s request and extended its CP to July 31, 2022.¹

Val Vista noted in that Request that it was working diligently to attempt to complete construction. Val Vista is pleased to report that construction on both CPs is nearly complete. Specifically the following construction items are completed:

- **Transmitter Building:** the portable building to house the station transmitters has been installed and is in place.
- **Transmitters:** the transmitters are installed and in position for service.
- **Antennas:** the antennas are hung and on the tower in position.
- **Feed Line:** the feed line is installed on the tower and run to the transmitters in the transmitter building.

Pictures of installed components showing their installed status as ready for service are attached as Attachment “A”.

The complication preventing completion prior to the current construction deadline of July 31, is that the stations require 3-Phase power for operation. Despite its earnest efforts, the electrical contractor, Atkins Electric, has been unable to source the required 3-Phase electric panel required to bring the required power to the transmitters. As soon as the panel is sourced and installed, construction will be complete, and Val Vista will be in position to file license applications.

The public interest favors granting an extension here. First, Val Vista has made every effort to order all necessary equipment and make installation arrangements without unreasonable delay. Indeed, Val Vista has completed construction of these permits with all equipment necessary for operation at the construction permit parameters with the sole exception has been unable to source and install the required 3-Phase electric panel. The 3-Phase panel has been ordered, but manufacture and delivery have been delayed due to circumstances beyond Val Vista’s control,

¹ Val Vista incorporates by reference the information and exhibits provided in its prior Requests. See Val Vista’s Requests for Tolling for W27DQ-D, LMS File Nos. 0000178652, 0000188979 and 0000192913; Val Vista’s Requests for Tolling for W31FA-D, LMS File Nos. 0000178653, 0000188980, and 0000192915.

despite best efforts to ensure timely delivery. Thus, this extension is not sought due to any dilatory action on the part of Val Vista.

Second, substantial effort and expense has already been expended by Val Vista to complete this project. As demonstrated above, construction is complete with the sole exception of a critical element required to deliver power to the transmitters. Val Vista will be able to seek a license for these CPs as soon as the 3-Phase panel is installed and power delivered, which demonstrates just how close the project is to completion. Denying additional tolling at this stage would mean that the costs Val Vista have already expended in its good faith attempt to complete construction of these permits as quickly as possible, would become sunken costs with no benefit to the public at all and delivered and installed equipment would be wasted. Allowing this project to conclude, however, will result in more service to a region that desperately needs it.

Third, Val Vista has actually constructed and begun to operate six out of the ten CPs it purchased last year, which demonstrates that Val Vista is not requesting tolling out of bad faith. Val Vista needs all ten of the CPs to fully realize its network and provide this region with access to quality, local programming in a new wireless streaming format consistent with new developments in the broadcasting industry and changing viewer preferences. Val Vista intends to provide quality, local news and programming that will serve this community. Denying tolling here would deny Val Vista the ability to enact this plan, which would not serve the public interest.

Finally, granting this request will not create a run on the Commission's rules or procedures. This is not a generic problem that was a result of Val Vista's delay or that will result in a number of other individuals being able to circumvent the Commission's rules or procedures. The request is the result of a need for unique equipment, that is in process, but cannot be delivered due to lingering supply chain shortages, beyond Val Vista's control.

Accordingly, a tolling of the construction permits is requested until September 30, 2022 to allow sufficient time to overcome supply chain issues and install the 3-Phase panel. Should the Commission fail to grant this request, Val Vista will be forced to surrender the CP, will be left with nearly-fully constructed low-power television stations it will then be unable to operate to extend its broadcast network to much needed rural regions in the county, making the construction already accomplished in vain. Such results are not in the public interest. Thus, Val Vista requests that the Commission find the public interest is in favor of granting an extension and grant the requested extension.

ATTACHMENT A







Certification

I, Larry ODonnell, Chief Engineer for Val Vista RV Park, LLC, have reviewed the foregoing Section 73.3598(b) Tolling and Extension of Permit Request and I certify under penalty of perjury that the facts set forth therein, except those of which public notice may be taken, are true and correct.

Executed on July 26, 2022.

A handwritten signature in black ink, appearing to read 'LO', is written over a horizontal line.

Larry ODonnell
Chief Engineer
Val Vista RV Park, LLC