

Supplement to Request to Extend Waiver of Section 312(g) and Silent Authority for K28GY-D

LMS File No. 0000200783

September 2022

At the request of FCC staff, Public Media Group of Southern California (PMGSC), licensee of K28GY-D, Santa Barbara, California, Facility ID 13469, hereby supplements its request for waiver of Section 312(g) of the Communications Act and for extension of silent authority until construction on Channel 33 can be completed and a covering license application filed. FCC staff requested the following:

“What we will need to see in this showing is the following – since the grant of the Station’s last relief in July 2022, what progress was made to complete the station’s facilities and what circumstances prevented it from doing so. It appears you are arguing that they station ordered equipment and the manufacturer/vendor was not able to deliver it in time for the Station to complete instruction before its current license expiration date – 10/1/22. If that’s the case, then we need something from the manufacturer/vendor indicating why that was the case – what delayed their delivery of equipment? This could be a letter or email from the manufacturer/vendor explaining the delay. Finally, we need a timeline of how the station expects to be able to complete construction by its requested extended date.”

As PMGSC reported in its last request filed June 23, 2022 in LMS File No. 0000192888, the “Minimum lead time ARO is **eight weeks**.” That construction timeline was based on “**the most recent lead times from manufacturers and assuming little to no delays in delivery and scheduling**.”

<https://enterpriseefiling.fcc.gov/dataentry/api/download/attachment/25076f91818b1d8b0181924f4f070ebb> (Emphasis in original). That estimate was based on an email from the manufacturer dated June 15, 2022.

Relevant emails below are inserted in green ink to provide a demarcation from the text of this supplement.

From: Dan Barton <dbarton@alivetele.com>
Sent: Wednesday, June 15, 2022 1:17:34 PM
To: Jeremy Howard <jhoward@pmgsocal.org>
Cc: Jami Morgan <jmorgan@alivetele.com>
Subject: RE: Lead Time for ATC-BCE68T-V6-33 Antenna KCET-TV

Jeremy,

I apologize

8 weeks lead time

We will send a formal quote

Thanks

Dan

Forty days later, by Letter dated July 25, 2022, the FCC granted the request to extend the silent authority and Section 312(g) waiver for a *truncated period of time of 2 months and 6 days* and not the full 6 months. When counsel for PMGSC inquired of FCC staff about the abbreviated extension, she was told that October 1, 2022 was not a hard stop and to see where we were at the end of September.

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Wednesday, July 27, 2022 6:02 PM
To: Melodie Virtue <melodie.virtue@foster.com>
Cc: Mark Colombo <Mark.Colombo@fcc.gov>; Shaun Maher <Shaun.Maher@fcc.gov>
Subject: RE: [EXTERNAL]: RE: K28GY-D Extension 0000192888

It's not a hard stop. We just aren't prepared yet to extend these until 2023 at this point. Lets see where we are at end of September and we can go from there.

From: Melodie Virtue <melodie.virtue@foster.com>
Sent: Wednesday, July 27, 2022 5:59 PM
To: Evan Morris <Evan.Morris@fcc.gov>
Cc: Mark Colombo <Mark.Colombo@fcc.gov>; Shaun Maher <Shaun.Maher@fcc.gov>
Subject: RE: [EXTERNAL]: RE: K28GY-D Extension 0000192888

Hi Evan.

Thanks for pitching in. Yikes! I didn't know October 1 was a hard stop for everyone. That could be drastic if anything else goes wrong for this displaced translator that just got a grant to build on a new channel on 6/23/2022.

Melodie

Melodie A. Virtue
Principal
(she/her)
Foster Garvey PC
Tel: 202.298.2527
melodie.virtue@foster.com

From: Evan Morris <Evan.Morris@fcc.gov>
Sent: Wednesday, July 27, 2022 5:47 PM
To: Melodie Virtue <melodie.virtue@foster.com>
Cc: Mark Colombo <Mark.Colombo@fcc.gov>; Shaun Maher <Shaun.Maher@fcc.gov>
Subject: RE: [EXTERNAL]: RE: K28GY-D Extension 0000192888

Melodie,

Shaun is out so I am replying on his behalf.

If the licensee needs additional time they can come back in late September. Perhaps I'm missing it, but it doesn't seem that they actually requested a specific time in their filing. So I believe we just went with 10/1 since that is when they said in their timeline they could be done. Hopefully by that point any need for additional time will be small, if needed at all. And even if they requested 6 months, we would not give it. At this point we are only providing stations until the fall. October 1 is one of the latest extensions we have given to date.

Regards,
Evan

From: "Melodie Virtue" <melodie.virtue@foster.com>
Date: Tuesday, July 26, 2022 at 11:53:54 AM
To: "Shaun Maher" <Shaun.Maher@fcc.gov>
Cc: "jmbaldwin@pmgsocal.org" <jmbaldwin@pmgsocal.org>, "'Jeremy Howard'" <jhoward@pmgsocal.org>, "Stephanie Brown" <Stephanie.Brown@fcc.gov>
Subject: RE: [EXTERNAL]: RE: K28GY-D Extension 0000192888

Hi Shaun.

In connection with the attached extension of K28GY-D's silent authority and 312(g) extension, I noticed the letter didn't give the licensee the full 6 months extension. We'd like the full 6 months because there is no room for equipment delays or other unknown factors that could delay the schedule they hope to meet. The antenna crew has tentatively agreed to be available for the time they think the equipment will arrive, but that could also change on the licensee. Without the full 6 months, there is no room for error in meeting the schedule the licensee hopes to meet.

Can the extension letter be reissued for the full 6 month extension?

Melodie

Melodie A. Virtue
Principal
(she/her)
Foster Garvey PC
Tel: 202.298.2527
melodie.virtue@foster.com

The same date the extension was granted on July 25, 2022, PMGMC's engineer placed the order and confirmed the 8-week lead time again with the manufacturer when he initiated the order:

From: Jami Morgan <jmorgan@alivetele.com>
Sent: Monday, July 25, 2022 2:29 PM
To: Jeremy Howard <jhoward@pmgsocal.org>
Cc: Dan Barton <dbarton@alivetele.com>
Subject: RE: Lead Time for ATC-BCE68T-V6-33 Antenna KCET-TV

Hi Jeremy,

Thank you. Attached is the updated invoice indicating the PO# 23010. I'm assuming you would like the tax added to the invoice for AP. There is no tax for PBS, the total on the invoice reflects the total cost of the order.

Please let me know if this is correct, or if you need it to show 50% and 50%.

Thank you again!

Jami

From: Jeremy Howard <jhoward@pmgsocal.org>
Sent: Monday, July 25, 2022 3:01 PM
To: Jami Morgan <jmorgan@alivetele.com>
Cc: Dan Barton <dbarton@alivetele.com>
Subject: Re: Lead Time for ATC-BCE68T-V6-33 Antenna KCET-TV

Hi Jami,

Appreciate the quick turnaround! I just got the signed PO in the last few minutes which is attached here. Can you send a revised invoice including the PO number and show the actual amount invoiced towards total cost so I can get this to our AP? If we get this to them today, and the way they like it for tracking out of the gate, we can cut a check by Wednesday for the down and get this ball rolling.

Thanks,

Jeremy Howard
Director of Engineering
Office - (747) 201-5315
Mobile - (323) 855-0291
jhoward@pmgsocal.org
2900 W Alameda Ave. Suite 600 Burbank, CA 91505
pbssocal.org | kcet.org | linktv.org

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From: Jami Morgan <jmorgan@alivetele.com>
Sent: Monday, July 25, 2022 12:39:34 PM
To: Jeremy Howard <jhoward@pmgsocal.org>
Cc: Dan Barton <dbarton@alivetele.com>
Subject: RE: Lead Time for ATC-BCE68T-V6-33 Antenna KCET-TV

Hi Jeremy,

Please see attached W-9 and Invoice. Please send Purchase Order to reference with your down payment, or you can email it to me at jmorgan@alivetele.com.

We are still on schedule with the 8 weeks lead time after receipt of order and payment.

Please let me know if you have any questions. Thank you and we look forward to working with you!

Jami



Jami Morgan
Operations Associate
9850 W. 190th St., Suite F, Mokena, IL 60448
p: (708) 478-6891 | f: (708) 478-6892
jmorgan@alivetele.com

From: Jeremy Howard <jhoward@pmgsocal.org>

Sent: Monday, July 25, 2022 1:49 PM

To: Jami Morgan <jmorgan@alivetele.com>; Dan Barton <dbarton@alivetele.com>

Subject: Re: Lead Time for ATC-BCE68T-V6-33 Antenna KCET-TV

Hi Jami,

Can you go ahead and send us a W9 and an invoice for the down payment? We just got the extension of our STA for the station this will replace after receiving the CP for 33. Any changes to our lead time?

Thank you,

Jeremy Howard
Director of Engineering
Office - (747) 201-5315
Mobile - (323) 855-0291
jhoward@pmgsocal.org
2900 W Alameda Ave. Suite 600 Burbank, CA 91505
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The extension ended October 1, 2022 – just 9 weeks and 5 days from the date the extension was granted.

The manufacturer notified PMGSC that the equipment was ready to be shipped on September 23, 2022 – 8 weeks and 4 days from the date the order was placed and from when the FCC granted the last extension. At that point, PMGSC also filed its request to extend the deadline.

From: Jami Morgan <jmorgan@alivetele.com>
Sent: Tuesday, September 20, 2022 3:46 PM
To: Jeremy Howard <jhoward@pmgsocal.org>
Cc: Dan Barton <dbarton@alivetele.com>
Subject: ATC-BCE68T-V6-33 - K33QS-D

Hi Jeremy,

Your purchase order# 23010 is scheduled to ship this Friday, 9/23/22. We would like to confirm the ship to address is as follows, along with contact information.

Public Media Group of Southern California
3080 Bristol Street, Suite 400
Costa, Mea, CA 92626
Attn: Jeremy Howard
PH# 323-855-0291

If you require any additional services at time of delivery, please let us know and we can request assistance (e.g. Lift Gate, Fork Lift, etc.)

Also, attached is the top-level print for your reference and review.

Thank you for your order! Please let us know if you have any questions or require additional information.

Sincerely,

Jami



Jami Morgan

Operations Associate

9850 W. 190th St., Suite F, Mokena, IL 60448

p: (708) 478-6891 | f: (708) 478-6892

jmorgan@alivetele.com

PMGMC submits that the 8 weeks and 4 days for the antenna to be ready to ship closely approximates the estimate the manufacturer provided and should not need an explanation from the manufacturer when its "minimum" time estimate was substantially accurate. Nor did the truncated extension of time the FCC last granted account for shipping time.

From: Jami Morgan <jmorgan@alivetele.com>
Sent: Wednesday, September 21, 2022 1:21 PM
To: Jeremy Howard <jhoward@pmgsocal.org>
Subject: RE: ATC-BCE68T-V6-33 - K33QS-D

Hi Jeremy,

I am currently quoting the shipment. It will take approximately 5-6 business days till delivery. Wanted to confirm that this date is going to be good for the crew.

Thanks,
Jami

From: Jeremy Howard <jhoward@pmgsocal.org>
Sent: Wednesday, September 21, 2022 2:51 PM
To: Jami Morgan <jmorgan@alivetele.com>
Cc: Dan Barton <dbarton@alivetele.com>
Subject: Re: ATC-BCE68T-V6-33 - K33QS-D

Jami,

Appreciate that. Also ready for the final invoice for the balance if you want to get that sent over for processing.

Thanks!

Jeremy Howard
Director of Engineering
Office - (747) 201-5315
Mobile - (323) 855-0291
jhoward@pmgsocal.org
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From: Jami Morgan <jmorgan@alivetele.com>
Sent: Wednesday, September 21, 2022 10:21:16 AM
To: Jeremy Howard <jhoward@pmgsocal.org>
Cc: Dan Barton <dbarton@alivetele.com>
Subject: RE: ATC-BCE68T-V6-33 - K33QS-D

Hi Jeremy,

Thank you for the new ship to information. Please see attached revised acknowledgement.

The order is ready to ship tomorrow. I will advise on the tracking information as soon as it is picked up for delivery.

Thank you again for your order!

Jami

From: Jeremy Howard <jhoward@pmgsocal.org>
Sent: Wednesday, September 21, 2022 12:14 PM
To: Jami Morgan <jmorgan@alivetele.com>
Cc: Dan Barton <dbarton@alivetele.com>
Subject: Re: ATC-BCE68T-V6-33 - K33QS-D

Hi Jami,

Just to verify - we are changing the "ship to" address so that the antenna goes directly to the tower crew. Here is the updated address information.

ACE Hardware
c/o Com Plus
3320 Mount Pinos Way
Frazier Park, CA 93225
[661.245.3301](tel:661.245.3301)

If you can confirm receipt of this change that would be excellent.

Thanks,

Jeremy Howard
Director of Engineering
Office - (747) 201-5315
Mobile - (323) 855-0291
jhoward@pmgsocal.org
2900 W Alameda Ave. Suite 600 Burbank, CA 91505
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From: Jeremy Howard <jhoward@pmgsocal.org>
Sent: Wednesday, September 21, 2022 8:13:37 AM
To: Jami Morgan <jmorgan@alivetele.com>
Cc: Dan Barton <dbarton@alivetele.com>
Subject: Re: ATC-BCE68T-V6-33 - K33QS-D

Hi Jami,

Let me verify with my tower crew. Sometimes it's easier to ship smaller antennas like this direct to them.

Thank you,

Jeremy Howard
Director of Engineering
Office - (747) 201-5315
Mobile - (323) 855-0291
jhoward@pmgsocal.org
2900 W Alameda Ave. Suite 600 Burbank, CA 91505
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Public Media Group of Southern California

From: Jami Morgan <jmorgan@alivetele.com>
Sent: Tuesday, September 20, 2022 3:46:00 PM
To: Jeremy Howard <jhoward@pmgsocal.org>
Cc: Dan Barton <dbarton@alivetele.com>
Subject: ATC-BCE68T-V6-33 - K33QS-D

Hi Jeremy,

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jmorgan@alivetele.com

At this time, PMGSC is awaiting delivery of the antenna. The last report is that the antenna is supposed to arrive the afternoon of October 5, 2022. The remaining timeline for construction is as follows, should no delays be encountered.

TIMELINE

Antenna – Currently in transit with expected delivery on **October 5, 2022**. The latest tracking information for the shipment is attached. Tower crew has tracking data and will inspect shipment as soon as possible after delivery.

Tower Crew – Scheduled for **October 10, 2022** to swap out the Channel 19 antenna for new Channel 33 antenna.

Anywave Technologies – The most recent estimate for a date for completing the filter tune and Transmitter optimization is **October 15, 2022**. The Anywave engineer has another job directly ahead of PMGSC's job that is somewhat fluid. Anywave hopes to finish PMGMC's tuning and optimization before then.

Site Coordination- All other broadcasters on site have been informed of Antenna install date and are on board.

PMGSC have some electrical work to follow up on this week to replace a circuit breaker and a bad contactor on the transmitter that had gotten sticky after sitting for so long. PMGSC's engineer did verify that that transmitter appears to be operational from an "all of the equipment came on" perspective, but PMGSC could not safely do any other testing until the contactor is replaced.

Some potential weather is forecast for this weekend that could disrupt the schedule. If that occurs, the estimated dates could be adversely impacted. PMGSC requests some flexibility to finish the construction and, therefore, requests an extension until December 1, 2022.