

**Request for Limited Extension of Deadline to Submit Invoices for Reimbursement  
from TV Broadcaster Relocation Fund**

Edge Spectrum, Inc. ("Licensee"), licensee of low power television station K21KJ-D/K11XN-D Facility ID 182493 serving Mineral Wells, TX the "Station") hereby requests a limited extension of the deadline to submit invoices for reimbursement from the TV Broadcaster Relocation Fund from September 6, 2022 to January 17, 2023. Good cause exists to extend the Station's reimbursement deadline because Licensee has been unable to complete construction of the Station's post-Incentive Auction facilities for reasons beyond its control.

In its prior tolling requests, Licensee detailed three issues outside of its control that contributed to its inability to complete construction of the Station: (1) "transmitter and antenna supply issues"; (2) "challenges finding skilled installers"; and (3) having to "change the location for most of the transmitter sites for [its] digital facilities." Licensee explained that it had done everything within its control "to complete construction as soon as possible once ESI completes its testing of the newly received transmitters, obtains the proper filters, finalizes the engineering, and schedules the installers."

In the period since Licensee last requested tolling, all of the equipment availability issues have been resolved, and the equipment needed to construct the Station has either been delivered to the transmission site or is ready for delivery at the Licensee's request. Moreover, as detailed in the attached letter from Marc S. Dunham, President of Kathrein Broadcast USA, Inc. ("Kathrein"), Licensee, has engaged Kathrein not only to build out the stations, but also to actively project manage the builds alongside American Tower Corp. ("ATC"). Thus, all that is left is to obtain the necessary approvals and complete construction.

Unfortunately, Licensee has continued to face delays resulting from leasing and permitting. A summary of the Licensee's extensive efforts to obtain the necessary authorizations to complete construction of the Station's facilities is provided below and supported by the attached email from ATC:

- February 5, 2020 – ARK provides ATC with a station list to identify ATC assets to house ARK stations
- February 5, 2020 – ATC provides initial scrub of ATC assets within 10 miles of ARK assets
- March 4, 2020 – Crown Castle provides term sheet for master lease agreement
- March 25, 2020 – ARK provides Crown Castle with list of stations needing tower sites
- June 15, 2020 – ARK receives third party site survey of tower site
- February 8, 2021 – ARK places order for transmitter from Hitachi Comark with sales order S010780
- May 5, 2021 – Crown Castle provides initial locations for ARK managed stations
- May 6, 2021 – ATC provides strategic collocation agreement for consideration
- May 20, 2021 – ARK enters into fully executed term sheet for MLA with Crown Castle
- May 28, 2021 – Crown Castle provides updated list of locations with available RADs
- July 21, 2021 – After engineering needs more info, Crown Castle provides a more complete list of locations
- August 20, 2021 – Crown Castle informs ARK that Crown Castle does not intend to proceed with master lease agreement
- October 7, 2021 – ARK begins deploying installers on ATC assets prior to fully executed agreement

- October 29, 2021 – ARK receives fully executed SCA from ATC
- Current ATC project number is OAA775860
- January 14, 2022 – Updated list of potential towers provided by ATC
- April 18, 2022 – Tower application approved by ATC
- August 10, 2022 – Passing structural engineering completed
- April 27, 2022 – Site sketch provided to ARK by ATC
- July 16, 2022 – ARK receives fully executed tower contract

Between October of 2021 and June of 2022, ESI participated in weekly meetings with ATC (and recently Kathrein) to discuss construction efforts, including for this asset. That information helped ESI to work with a third-party engineering firm to move amendments through the ATC online portal with the hired services of ATC to do so. ATC is continuing its efforts to expedite the project completion.

As explained in the attached letter from Mr. Dunham, the remaining steps include:

- Structural engineering (2-4 weeks)
- Local zoning and permitting (2-4 weeks)
- Building structure brought in (60-90 days)
- Tower and rigging plan provided (1 week)
- Possible electric work (1-2 weeks)
- ATC process to issue NTB (2-4 days)

Based on this timeline, Kathrein has scheduled the final installation for a window between February 2023 and April 2023.

Because Licensee, due to circumstances beyond its control, has not been able to complete its repack-related work and finalize its invoices for submission, the FCC should shift the Station's reimbursement deadline. In a June 8, 2022 Public Notice, the Incentive Auction Task Force and the Media Bureau indicated that they will consider "a limited extension" of a station's reimbursement deadline where an entity faces circumstances beyond its control.<sup>1</sup> Whereas the Commission previously would shift the entity seeking an extension to another deadline, because this is the last deadline the Public Notice indicated that the Task Force and the Bureau will consider whether the extension will "provide the staff with sufficient processing time to complete close-out procedures for all stations."

Here, as explained above, the delay is wholly outside Licensee's control. Licensee will submit its invoices and close out the Form 399 for the Station as soon as possible, and well before the deadline for the Commission to complete its close-out procedures for all stations. In furtherance of this commitment, Licensee will attempt to expedite as many costs as possible for submission prior to the requested deadline and will commit not to seek any further extensions of the invoice submission deadline and accept that any costs not submitted before the requested deadline will not be reimbursed.

Applying the September 6, 2022 invoice submission deadline to the Station under these circumstances is not in the public interest. Given the harm to Licensee of enforcing a deadline that does

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<sup>1</sup> See *Incentive Auction Task Force and Media Bureau Remind Reimbursement Program Participants That the Third and Final Filing Deadline Approaches in 90 Days*, MB Dkt. No. 16-306, GN Dkt. No. 12-268, DA 22-619 (rel. June 8, 2022).

not account for the Station's circumstances, it would be unreasonable and inconsistent with Congress's charge for the FCC to reimburse costs "reasonably incurred" by a low power television station a result of the repack<sup>2</sup> to require Licensee to submit all invoices for the Station before September 6, 2022. Because Licensee has submitted all other expenses for the Station, the requested extension should not result in any significant disruption to the Commission's ability to complete the reimbursement process.

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<sup>2</sup> See 47 U.S.C. § 1452(k)(1).



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October 24, 2022

Federal Communications Commission  
Marlene Dortch, Secretary  
45 L Street NE  
Washington, DC 20554

**Subject: ARK Installation Mineral Wells**

Dear Ms. Dortch,

This letter is to confirm that ARK Multicasting, Inc. ("ARK") has contracted Kathrein Broadcast USA, Inc ("KBU") to conduct Tower Services on several low power television assets licensed to Edge Spectrum, Inc. ("ESI"). KBU currently has 3 crews who provide Tower Services throughout the United States and are uniquely capable of helping ARK build out the ESI portfolio due to our specialized training and skills in Broadcast (Tall Tower) Services work. These crews are led by Forepersons with 20+ years of experience in Broadcast Services with an acute awareness of many of the American Tower Corporation ("ATC") tower assets, gained through the years performing work on ATC tower assets. As a result, ARK and KBU determined that partnering together would be the most expeditious path to getting the ESI stations built and serving the public.

KBU began engaging with ARK with both in-person and remote meetings dating back to October of 2018 and countless subsequent emails, phone calls, and meetings ever since. ARK took an additional step early this year to add KBU to ARK's corporate account within the ATC website portal, On Air Access to enable KBU to project manage the builds. This has allowed KBU to further support ARK to expedite the process of moving the stations through the various stages of the project planning requirements. Earlier this year, ARK also added KBU to a standing weekly conference call between ARK and ATC, again, as a benefit to expedite the process. This has resulted in KBU being directly involved in the planning process as ARK has worked with ATC to tackle various challenges, as they have arisen, with RAD heights, building needs, structural discussions, and overall project management to the point that KBU has had countless meetings with ATC on behalf of ARK to continue progressing projects forward to Notice to Proceed.

Traditionally, unless KBU is directly managing the NTP process and has foresight into progress made, KBU does not schedule a tower crew for a specific job until the customer has completed the necessary application, zoning, permitting, and obtained the proper Notice to Proceed from the tower owner. KBU has, however, made an exception in the case of ARK to tentatively forward plan

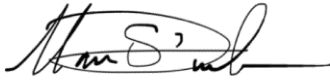
the schedule of tower crews for installation work based on the involvement and visibility that KBU has into the project.

The broadcast asset K11XN-D Facility ID 182493 that serves the Mineral Wells, TX market. It is tentatively on the KBU tower installation schedule for the window between January 2023 and March 2023 due to the extensive coordination and permitting requirements. These date projections are based on our experience with ATC and takes into consideration weather conditions and crew availability. Due to the coordination efforts remaining, it is not something that can be guaranteed. We have come to this conclusion based on the remaining steps needed before NTP will be issued. These steps include the following:

- Local zoning and permitting (4-6 weeks)
- Possible electric work that will be required (2 weeks)
- Tower and rigging plan provided (1 week)
- ATC process to issue NTB (2-4 days)

We remain committed to helping ARK to complete this site expeditiously and look forward to serving you as we build out these LPTV stations.

Best regards,

A handwritten signature in black ink, appearing to read "Marc S. Dunham", with a stylized flourish at the end.

**Marc S. Dunham**

President & Managing Director  
Kathrein Broadcast USA, Inc