

Amendment to Request For
Waiver of Tolling

Guenter Marksteiner (“Licensee”), licensee of WXDT-LP, Naples, Florida (Facility ID 25537) (“the Station”), hereby submits this amendment to its request for waiver of the Commission’s tolling rules to allow for extension of the Station’s construction permit in FCC File No. 0000152394.

As the Commission is aware, the Licensee has been working to schedule a tower crew to take the final steps of installing the remaining equipment to complete construction of the Station’s full power facilities. Just as a crew was ready to undertake the work, Hurricane Ian developed in the Caribbean with a potential track towards the Station’s Fort Myers, Florida tower site, and the Station had to go into hurricane preparations procedures instead.

Post-Ian, access to the tower site has not yet been granted to the landlord or Licensee. The site is under the control of the Army Corps of Engineers, which is providing generator power to the site to power cell phone service for the Southwest Florida region. Accordingly, the Licensee requires additional time to reschedule a tower crew to complete the installation as previously described.

As will be recalled, the Licensee secured a hurricane-proof transmitter shelter and installed it at the tower site to house the Station’s transmitting equipment. Based on video from the Licensee’s security cameras inside the shelter and at the shelter door, the Licensee can confirm that the Station’s transmitter has access to power and Internet service. The Licensee is able to see that the shelter’s interior was not compromised, no water appears to have entered the structure and no debris is blocking the doorway into the shelter. All components located inside of the shelter display indicating lights and the Licensee is able to communicate with the equipment remotely. All of these factors went into the Licensee’s consideration of this site for the Station’s facility and selection of the high-quality hurricane shelter and construction methods used at the site.

The transmitter appears to require a manual reset to restart, and no one has been able to access the site to assess whether there might be debris blocking the unloading zone or other work needed before the crew can climb the tower. Nevertheless, based on the information that the Licensee has at this time regarding the way in which its own installation has weathered the hurricane, it is believed that once access to the site is restored, the Licensee will be able to resume installation of the full power antenna and complete construction expeditiously.

Accordingly, the Licensee requests that it be granted additional time until January 2, 2023 to regain access to the site post the destruction of Hurricane Ian and complete the needed installation work.