

Before the Federal Communications Commission
Washington, DC

Re: Construction Permits of

Boundary County TV Translator District

K46HZ-D, Bonners Ferry, ID

Facility ID No. 6535

LMS File No. 0000192151 License Renewal

LMS File No. 0000052108 Construction Permit

K50GL-D, Bonners Ferry, ID

Facility ID No 6531

LMS File No. 0000192146 License Renewal

LMS File No. 0000052110 Construction Permit

Petition for Reconsideration
of Cancellation of Construction Permit
and Grant of License Renewal

Boundary County TV Translator District (Boundary County) was granted permits to displace FI 65335 K46HZ-D to Channel 17 File No. 0000052108 on 11/7/2018, set to expire 11/7/2021 and FI 6531 K50GL-D to displace to Ch 26 File No 0000052110 on 11/7/2018, set to expire 11/7/2021.

The Boundary County Board contracted with EL Automation, Inc to retune the transmitters for these two facilities. On October 24, 2019, EL Automation reprogrammed both transmitters to the new channels 17 and 26. A combiner was installed as well to share an antenna. Attached is an invoice confirming installation and an affidavit from Eric Lederhos of EL Automation.

At the time, there was a different consulting firm being used to manage FCC filings and there was an apparent failure to communicate the construction and turn on of the two translators and subsequent filing of license to cover construction applications.

Boundary County sought the consulting services of B. W. St. Clair at the time License Renewal filings in May of 2022. License renewal applications were filed for the seven translators that serve the Bonners Ferry community. LMS at the time was listing renewals using the pre-displacement calls signs and it was not noted that the construction permits had not been filed for these two stations and license renewal applications were filed. It should be noted that the license renewal application for K50GL-D File No. 0000192145 has been granted, even though the license to cover construction was not filed.

There have been several instances in which the Commission has granted license applications filed after the permit expiration date, provided the Licensee has demonstrated timely construction in accordance with the terms of the permit. See e.g., Letter to Richard F. Swift, et . al. (KXFT-FM, Manson, Iowa, 24 FCC Rcd 13483 (Audio Division, 2009); *WRFN-LP, Pasqua, Tennessee*, 24 FCC Red 12426 (Audio Division, 2009); *Station WJUN(AM), Mexico, Pennsylvania* (Construction Permit No. BP- 19990727AC expired January 23, 2005; License Application File No. BL-20050125ALN filed on January 25, 2005, granted on May 18, 2005); *KVLH(AM), Pauls Valley, Oklahoma* (Construction Permit No. BP-20010202AD expired February 13, 2005; License Application File No. BL-20050228ADS filed on February 28, 2005, granted on June 1, 2005); *WJEH(AM), Gallipolis, Ohio* (Construction Permit File No. BP-20010525ABL expired September 10, 2004; License Application File No. BL-20041012AKQ filed on October 12, 2004, granted on March 7, 2005). See also, DA 06-1550, *WRKH(FM), Mobile, Alabama* (License Application File No. BLH-20050615ACP).

As the Commission has recognized, automatic forfeiture of the authorization of an operating station is a severe penalty which the Commission has been reluctant to impose absent an egregious violation of its rules. See, e.g., Letter to Richard Swift et. al. (KXFT- FM, Manson, Iowa) 24 FCC Red 13483 (Audio Division, 2009).

Boundary County operates with an all volunteer Board of Directors and as with all such organizations turnover leads to failures to keep up with necessary filings with the Commission. Boundary County has contracted with EL Automation to manage not only the physical equipment and operation of its translators but to oversee FCC filings going forward.

Bonnors Ferry itself is a small farming and lumbering community, nestled in a mountain valley on the Kootenai River in northern Idaho. The community depends on the over the air television, that brings them all the major networks from Spokane. It would be in the public interest to forgive the failure to file for license to cover applications for the two translators prior to the expiration date and grant this petition for reconsideration, allow Boundary County TV Translator District to file the necessary license to cover applications and grant the subsequent license renewals.

It is respectfully requested that good cause exists for the reinstatement of the above referenced construction permits so the Boundary County can proceed with filing the associated license applications and the renewals can be subsequently granted.

Boundary County TV Translator District

A handwritten signature in cursive script that reads "Susan Hansen".

July 31, 2023

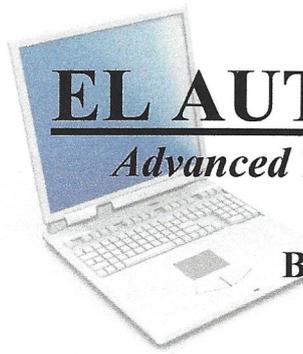
By: Susan Hansen, Consultant

B. W. St. Clair

2305 Vida Shaw Rd.

New Iberia, LA 70563

303-378-8209



EL AUTOMATION, INC.

Advanced Technology for Today's Needs

**64 Automation Ln.
Bonners Ferry ID 83805**
Office (208) 267-7220

07/19/2023,

To whom it may concern,

I Eric Lederhos installed and turned up the translators for channel 26 K50GL-D, facility ID: 6531 and channel 17 K46HZ-D, facility ID: 6535 on October 24, 2019 on Black Mountain for the Boundary County Translator District. These channels have been operating ever since the above date.

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Eric Lederhos
Eric Lederhos

E.L. Automation, Inc.
64 Automation Lane
Bonners Ferry ID 83805
(208) 267-7220

E. L. AUTOMATION, INC.

64 Automation Lane
Bonners Ferry, ID 83805

office@elautomationinc.com

Phone: (208)267-7220

Invoice

DATE	INVOICE #
11/5/2019	55293

PAID
11/22/2019

BILL TO	
BOUNDARY COUNTY TRANSLATOR DISTRICT PO BOX 894 BONNERS FERRY, ID. 83805	
FAX #	267-3515

P.O. NO.	TERMS
	Net 30

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
LABOR	10/15/2019 : Attend monthly meeting.	1	50.00	50.00
LABOR	10/24/2019 : Program channel 26 K50GL-D, facility ID : 6531 and channel 17, K46HZ-D, facility ID : 6535. for new frequencies and install combiner. (Black Mountain)	16	50.00	800.00
LABOR	10/26/2019 : Troubleshoot changing out channel 9. (Black Mountain)	7.5	50.00	375.00
LABOR	October: Field phone calls from Boundary County residents. Monitor and troubleshoot tv/radio stations. Check out site keys.	4	50.00	200.00
LABOR	10/31/2019 : Power was turned off to channel 7 translator. Turned power back on. Replaced cooling fan to channel 7 and 22. (Black Mountain)	4.5	50.00	225.00
LABOR	11/01/2019 : Customer service calls regarding frequency changes on Black Mountain.	2	50.00	100.00
MILEAGE	10/15/2019 - 10/31/2019 : TRIP CHARGE	3	40.00	120.00
			Total	\$1,870.00