



Federal Communications Commission
Washington, D.C. 20554

September 6, 2023

Major Market Broadcasting of California, Inc.
Mr. Ravi Kapur
2383 Pruneridge Ave
Suite 4
Santa Clara, CA 95050
fcc@chicago22.com
(via electronic mail)

Re: Request for Tolling Waiver
K21MO-D, Riverside, CA
Facility ID No. 181667
LMS File No. 0000220415

Dear Licensee,

This concerns the request filed by Major Market Broadcasting of California, Inc. (MMB), for tolling of the construction permit expiration date for low power television (LPTV) station K21MO-D, Riverside, California (K21MO-D or Station). For the reasons below, we grant MMB's Request and toll the expiration date of the Station's construction permit to February 2, 2024.

Background. Requests for additional time to construct LPTV facilities are subject to the Commission's tolling provisions of section 73.3598(b) of the Rules.¹ The Commission's tolling provisions provide that a construction permit deadline may be tolled under specific circumstances such as acts of God, delays due to administrative or judicial review, or construction that is delayed by any cause of action pending before a court of competent jurisdiction relating to any necessary local, state, or federal requirement for the construction or operation of the station, including any zoning or environmental requirement.²

K21MO-D is an LPTV station on channel 21. The Station's original construction permit (Station CP) was granted in 2012 and was assigned an expiration date of July 13, 2021.³ The Station CP was subsequently extended on March 10, 2021, and the expiration date extended to January 10, 2022.⁴ The Station commenced operations pursuant to program test authority on January 10, 2022 and MMB filed an application for license to cover (License Application).⁵ While the License Application was pending, on September 5, 2022, the Station's facilities were totally destroyed by a California wildfire known as the Fairview Fire.⁶

Since the station was destroyed by fire, MMB located a new tower site and has filed an application for minor modification for the Station to move to that new site. It has also filed a request for

¹ See 47 CFR § 73.3598(b).

² *Id.*

³ See CDBS File No. BNPDTL-20090825AAL.

⁴ See LMS File No. 0000138199.

⁵ See LMS File No. 0000179352.

⁶ See LMS File No. 0000200059.

special temporary authority (STA) to begin operating while its application for minor modification is processed.⁷ MMB states that it has moved its equipment to the new tower site and stands ready to immediately commence operations. However, because the minor modification application requires coordination with regulatory authorities in Mexico, the minor modification cannot be granted and a license application cannot be filed until Mexican concurrence is received. Once its minor modification application is granted, MMB states that it will immediately file a new license application. MMB has also withdrawn its pending License Application. Based on the foregoing, MMB requests that the Station CP be tolled through February 2, 2024.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to toll the expiration date of the Station CP to February 2, 2024.⁸ The Station's facilities were destroyed by a wildfire – an act of God – and while it is prepared to commence operation, it is not able to file a license application until it obtains clearance from regulatory authorities in Mexico for its modified facilities. Grant of tolling will permit MMB to complete the process of replacing the Station's facility that was destroyed.

The above facts considered, Major Market Broadcasting of California, Inc.'s request for tolling **IS GRANTED**. The construction permit (CDBS File No. BNPDTL-20090825AAL, pending minor modification by LMS File No. 0000220436) for K21MO-D, Riverside, California, **IS TOLLED through February 2, 2024**. Any subsequent requests for tolling of its construction permit deadline will be subject to the Commission's tolling provisions.⁹ To the extent the Station seeks an additional extension of tolling, such a request must include what actions have been taken since tolling was granted and a detailed plan for completing construction of the Station's facilities. Such a request must also include supporting documentation for its claims. We will look unfavorably upon any future request that does not include such a plan.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Davina Sashkin, Esq.

⁷ See LMS File Nos. 0000220436 and 0000220437.

⁸ 47 CFR § 73.3598(b).

⁹ 47 CFR § 73.3598(b). A station may also seek a waiver of the tolling rule to receive additional time to construct in the case where "rare or exceptional circumstances" prevent construction. See *Streamlining MO&O*, 14 FCC Rcd at 17536, para. 42.