

Amendment to Request For Waiver/Extension of
Tolling

The Guenter Marksteiner Revocable Trust (“Licensee”), licensee of WHDT-LD, Boston, Massachusetts, (Facility ID 59488) (“the Station”), hereby submits this amended request for waiver of the Commission’s tolling rules and seeks extension of the Station’s construction permit, to permit completion of construction of the Station’s repacked facilities.

As the licensee has previously advised the Commission, a new building owner has taken over at the station’s authorized site and is exercising its right to architectural review of the rooftop antenna system. Accordingly, construction is halted at the site. Attached is an email exchange with the building’s General Manager which states that installation of the antenna may not proceed without clearance from the site owner.

The licensee and its counsel have recently met with representatives of the site owner. Additional information was requested and provided. This included detailed structural and engineering reports, assumptions of liability, and insurance bonds. Attached is a letter from counsel confirming the same.

To support the station’s primary service, the licensee has secured rooftop space for its backup transmitter and backup antenna at a building adjacent to its authorized construction permit site. Attached is an email notice from the communications services manager for the backup site which confirms that the building owner has reviewed and approved the installation of both intermittent backup facilities, subject to Commission grant of the station’s pending request for Special Temporary Authority, for use pending construction of the final facility, and permanent primary station facilities, subject to Commission grant of a modified construction permit.

During construction, the licensee has taken delivery of materials and equipment at a nearby ground-level rented storage and workshop space. This facility provides for assembling and testing the station’s transmitters and antenna components prior to their installation and easy access to both the authorized and backup transmitter sites. The licensee has uncrated, assembled, and performed tests of its broadcast equipment. This equipment can be installed at a transmitter site over the next sixty days.

With winter weather approaching, the licensee wants to complete construction of the station’s facility as quickly as possible, and is not confident that the owner of the currently authorized site will complete its architectural review in the month of September. Upon careful review of the backup site, the licensee has determined that the backup site is suitable for use as the station’s primary site on a permanent basis. Both structures are similar in height and are separated by only 183 meters. Only minor modifications are necessary to the station’s equipment to make it compatible with the exterior attachment points and building power. An engineering analysis of the proposed rigging plan has been completed and encountered no safety issues with the factory-installed antenna mounts. At full ERP, RF exposure safety standards are not exceeded in any accessible area.

Accordingly, the licensee is preparing an application to modify the construction permit. Construction of the station’s backup facility can commence upon grant of the pending STA request. Construction of the full and final facilities can commence upon grant of the CP

modification application. In all, the licensee estimates that the balance of the remaining construction can be completed in two months.

From: marksteiner@sekur.com <marksteiner@sekur.com>
Sent: Friday, July 14, 2023 09:57 AM
To: Morgan, Alison @ Boston <Alison.Morgan1@cbre.com>
Subject: construction permits for TV Station WHDT
Importance: High

External

Thank you for expediting this matter. Please note that it is costing thousands of dollars a day to keep a crew mobilized in Boston.

Günter | Trustee

THE GUENTER MARKSTEINER REVOCABLE TRUST

On 13.07.2023 04:51 PM, Morgan, Alison @ Boston wrote:

No, not yet.

Alison Morgan | General Manager

CBRE | Property Management

One Beacon Street | Boston, MA 02108

T +1 617 723 8616 | C +1 781 608 0733

alison.morgan1@cbre.com | www.cbre.com

From: marksteiner@sekur.com <marksteiner@sekur.com>
Sent: Thursday, July 13, 2023 4:16 PM
To: Morgan, Alison @ Boston <Alison.Morgan1@cbre.com>
Subject: Re: construction permits for TV Station WHDT
Importance: High

External

Have you received any information back from MetLife?

Günter

On 12.07.2023 04:20 PM, Morgan, Alison @ Boston wrote:

Thank you for sending.

We will be in touch.

Alison Morgan | General Manager

CBRE | Property Management

One Beacon Street | Boston, MA 02108

T +1 617 723 8616 | C +1 781 608 0733

alison.morgan1@cbre.com | www.cbre.com

From: marksteiner@sekur.com <marksteiner@sekur.com>
Sent: Wednesday, July 12, 2023 3:59 PM
To: Morgan, Alison @ Boston <Alison.Morgan1@cbre.com>
Subject: construction permits for TV Station WHDT
Importance: High

External

Dear Ms Morgan:

Thank you for meeting with me on Tuesday. During our discussion, you requested that I forward you a copy of the permits which authorize construction of television station WHDT at One Beacon Street. These permits as issued by the FAA and FCC are attached hereto.

A Determination of No Hazard was issued by the Federal Aviation Administration on 15 August 2022 with respect to installation of the station's antenna atop the 75 foot building tower. Authority to construct the station's transmission facility on TV channel 4 was granted by the Federal Communications Commission on 15 June 2023. No other state or federal agency permits are required.

Upon approval by MetLife, it is our intention to commence construction of the above facility immediately. We will undertake removal of the existing damaged antenna at our expense, and replace it with a smaller structure. Professional engineering and safety studies for the proposed construction are available and will be submitted to management for review.

As the projected completion date for the project is September 2023, this is a time-sensitive matter.

If you require additional information, please contact me directly.

Kind regards,

Günter Marksteiner, Dipl.-Ing-Dr

Trustee | THE GUENTER MARKSTEINER REVOCABLE TRUST

5244 SW Orchid Bay Drive
Palm City, Florida
(857) 399-3319

(4 attachments)

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JOHN E. SCHWENCKE
ANTHONY D. BROWN**
SCOTT J. SALE

**ALSO ADMITTED IN MINNESOTA

September 26, 2023

marksteiner@sekur.com

The Guenter Marksteiner Revocable Trust
5244 SW Orchid Bay Drive
Palm City, Florida 34990

re: One Beacon Street - MetLife Architectural Review

Dear Dr. Marksteiner,

Please be advised that the information requested by MetLife Attorney Kelly Frey with respect to the WHDT antenna installation, has been forwarded to him.

It is my understanding that Mr. Frey will continue to offer insight to his client as they make their determination about whether to continue to have a rooftop antenna at One Beacon Street.

I will promptly notify you when we receive further information on this matter.

Very truly yours,

/s/ *Jeff M. Brown*

JEFF M. BROWN
For the Firm

JMB/cm

From: Peter Kovaleski <peterk@usrooftops.com>

Subject: Re: OBP

Date: 26 September 2023 at 4:32:01 PM EDT

To: Günter Marksteiner <marksteiner@whdt.net>

To: The Guenter Marksteiner Revocable Trust

Re: WHDT antenna installation

Dear Dr. Marksteiner,

US Rooftops manages space for communications tenants who lease space throughout the City of Boston including One Boston Place. As you know, it is exceedingly difficult to find a downtown building where the owner will permit installation of a visible antenna.

Nevertheless, I submitted the WHDT antenna proposal to the asset manager of One Boston Place. After discussing the plan with the building owner (Nuveen), they have agreed to allow installation of the antenna per the Exhibits which all parties have agreed to.

An antenna license agreement was forwarded to you for execution, along with wire instructions.

You may proceed with constructing WHDT at One Boston Place upon modification of your construction permit.

Sincerely,

Peter Kovaleski

US Rooftops, Inc.



Peter Kovalski

Office/Cell: 860-684-1511

PeterK@USRooftops.com

USRTP.com