

### **Request for Waiver of Tolling Rule**

Nexstar Broadcasting, Inc. (“Nexstar”), the licensee of KLBK-TV, Lubbock, Texas, FAC ID 3660 (the “Station”), pursuant to 47 C.F.R. §73.3598(b)(1) of the Commission’s rules, respectfully requests a waiver of the tolling rules and seeks a brief extension of its post-auction construction permit (“CP”) for Channel 31. See LMS File No. 00000497097. The Station is currently operating on its post-auction Channel 31 using interim facilities as authorized in FCC LMS File No. 0000063689. The instant request is based on the following circumstances.

The Commission’s rules accommodate one 180-day post-transition construction permit extension.<sup>1</sup> Any subsequent requests for an extension of time to construct are subject to the Commission’s Tolling Rule.<sup>2</sup> Nexstar’s original CP, issued in July 2017, was slated to expire on November 30, 2018 at the conclusion of the Transition Phase One.<sup>3</sup> As the Media Bureau is aware, and due to the recession of certain post-transition reimbursements, Nexstar was forced to reconfigure the KLBK-TV post-transition facilities. This delay impacted Nexstar’s ability to order equipment and schedule riggers. As a result of the delay in finalizing the post-auction facilities, the antenna manufacturer issued an antenna delivery date of May 2, 2019. Consequently, Nexstar sought and received an extension of the CP, which is slated to expire on May 29, 2019. See FCC LMS File No. 0000063734.

Due to unanticipated and unavoidable weather delays, including torrential rain, flooding, high winds and tornadoes, the KLBK-TV rigging schedule has been delayed beyond the May start date.<sup>4</sup> The rigging crew, scheduled to install the Station’s antenna in the first week of May 2019, will not be available to offload the 58-foot, 12,000-pound antenna or commence the antenna installation until after the first week of June 2019.

As the Commission knows, due to the limited rigging resources available throughout the United States, installation schedules are often back to back with little or no room for delays of any nature. The recent severe weather conditions, which impact access and the safety of the tower rigging crews, have made it impossible for Nexstar to meet the KLBK-TV May 29, 2019 construction deadline. These severe, unexpected and uncontrollable weather events should be considered rare and exceptional circumstances.

Accordingly, Nexstar seeks a waiver of the tolling rules and a brief extension of time to complete the final post-transition Channel 31 facility – until September 1, 2019. This duration would provide Nexstar and their associated tower crew to complete the four-week installation process with time to spare should unavoidable weather conditions persist through the summer months. This request is in the public interest as it would allow the Station to continue providing broadcast service to its community of Lubbock, Texas.

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<sup>1</sup> 47 CFR §73.3700(b)(5).

<sup>2</sup> See *Reminder for Post-Auction Transition Requirements and Deadlines*, 33 FCC Rcd 8240, 8244-8245 (2018).

<sup>3</sup> See FCC LMS File No. 0000028452.

<sup>4</sup> See <https://www.accuweather.com/en/weather-news/heightened-flood-risk-to-target-south-central-us-this-week/70008122>; see also <https://www.kcbd.com/2019/05/05/cinco-de-mayo-warmer-with-thunderstorm-potential/>; <https://www.weather.gov/lub/events-2019-20190422-storms>; <https://watchers.news/2019/04/12/severe-dust-storm-lubbock-texas/>