



Federal Communications Commission
Washington, D.C. 20554

June 20, 2019

Wilderness Communications, LLC
3501 Northwest Evangeline Thruway
Carencro, LA 70520

Re: Request for Extension of
Construction Permit
KBCA, Alexandria, LA
Facility ID No. 16940
LMS File No. 0000066062

Dear Licensee,

On January 9, 2019, Wilderness Communication, LLC (WCL), the licensee of Station KBCA, Alexandria, Louisiana (KBCA or Station), filed the above captioned application seeking an extension of the Station's construction permit expiration date and waiver of the 60-day construction permit extension filing deadline.¹ For the reasons below, we grant WCL's requests and extend KBCA's construction permit expiration date 60 days to August 20, 2019.

Background. Pursuant to Section 73.3700(b)(5) of the Commission's rules, a station may request a single extension of its construction permit deadline of up to 180 days to complete construction of its post-auction facility.² Grant of an extension of the construction permit deadline does not alter the deadline by which a station must cease operating on its pre-auction channel. A station anticipating the need for an extension must submit an extension application using FCC Form 2100, Schedule 337, not less than 90 days before the assigned construction permit deadline.³ For Phase 3 stations, such application was due by March 25, 2019. The application must demonstrate that the station is unable to complete construction on time due to circumstances that were either unforeseeable or beyond the station's control.⁴

KBCA was repacked from channel 41 to channel 26 and originally assigned to transition phase 2, which had a phase completion date of April 12, 2019. KBCA was granted a request to change to phase 3 which has a phase completion date of June 21, 2019.⁵ The Station's construction permit also now has an

¹ WCL amended its request to provide current information concerning the status of its construction on June 19, 2019.

² See 47 CFR § 73.3700(b)(5). All subsequent requests for additional time to construct are subject to the Commission's tolling provisions, 47 CFR § 73.3598(b).

³ 47 CFR § 73.3700(b)(5)(iv).

⁴ The *Incentive Auction R&O* provides examples of six circumstances that might justify an 180-day extension of a station's post-auction construction permit: (1) weather related delays; (2) delays in construction due to the unavailability of equipment or a tower crew; (3) tower lease disputes; (4) unusual technical challenges; or (5) delays caused by the need to obtain government approvals, such as land use or zoning approvals, or to observe competitive bidding requirements prior to purchasing equipment or services; and (6) financial hardship with sufficient supporting evidence. See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567,6804-05, paras. 581-2 (2014) (*Incentive Auction R&O*); 47 CFR § 73.3700(b)(5)(ii) and (iii).

⁵ See LMS File No. 0000069962.

expiration date of June 21, 2019. The Station ceased operating on its pre-auction channel on May 6, 2019 and has been operating a temporary post-auction channel facility since that time while it completes construction of its permanent post-auction channel facility.⁶

WCL explains equipment ordering and tower crew delays have prevented it from completing construction of the Station's main post-auction facilities. In light of these delays, WCL will be unable to complete construction of its facility by June 21, 2019. WCL requests a 60-day extension of its construction permit to August 20, 2019, while it completes construction on its permanent post-auction facilities.

Discussion. Upon review of the facts and circumstances presented, we find WCL's request to extend the construction permit deadline to construct KBCA's post-auction facility meets the requirements for a construction permit extension. WCL has demonstrated that an extension is needed because of construction delays outside of its control. We also find that grant of this extension request is not likely to negatively impact the overall transition schedule. KBCA has ceased operations on its pre-auction channel and is operating an interim facility on its post-auction channel. To the extent some viewers are unable to receive KBCA's signal while it operates its interim facility, we believe that WCL has every incentive to ensure viewers are fully informed about the Station's transition plan.

We remind WCL that pursuant to the Spectrum Act, the Station is eligible for reimbursement from the TV Broadcast Relocation Fund (Fund) of costs "reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other." Additional expenses incurred, for instance, as a result of the grant of changes in the Station's transition plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund.⁷

The above facts considered, Wilderness Communications, LLC's application for extension of construction permit expiration date **IS GRANTED**. The construction permit (LMS File No. 0000033835) for KBCA, Alexandria, Louisiana, **IS EXTENDED to August 20, 2019**. Grant of this extension does not permit KBCA to recommence operation on its pre-auction channel nor does it modify the terms of the Station's STA. We also remind WCL that any subsequent requests for extension of its construction permit deadline will be subject to the Commission's tolling provisions.⁸

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Kathleen Victory, Esq.

⁶ See LMS File No. 0000069896.

⁷ *Media Bureau Finalizes Reimbursement Form for Submission to OMB and Adopts Catalog of Expenses*, GN Docket No. 12-268, Public Notice, 30 FCC Rcd 11701, 11701-02 (MB 2015). See also *Incentive Auction R&O*, 29 FCC Rcd at 6821, para. 622 ("The appropriate scope of 'costs reasonably incurred' necessarily will have to be decided on a case-by-case basis.").

⁸ See 47 CFR § 73.3700(b)(5)(i) (referencing 47 § CFR 73.3598(b)).