

Request for Tolling Waiver of for Construction Permit File No. 0000034872

As KALO has previously reported to the Commission, the current repack construction permit for KALO, File No. 0000034872, granted January 4, 2018, specifies a transmitter site to be shared with KKAI, Facility ID Number 83180, Kailua, Hawaii, pursuant to a Memorandum of Understanding between the parties, which has been submitted to the Commission. Pursuant to that agreement, it is KKAI which is responsible for organizing and accomplishing the construction of the monopole support for the antenna, as well as the antenna, feedline, and combiner acquisition and installation. KALO will install its transmitter upon completion of these items. As yet, however, due to various circumstances, KALO's partner KKAI has been unable to make any substantial progress toward completion of these items. Indeed, on October 10, 2019, KKAI requested tolling of its own repack construction permit (File No. 0000086047), and that request was granted on October 29, 2019. As a result of the difficulties set forth by KKAI, KALO has not been able to move forward with its own construction. It has, however, entered into an agreement with the site landlord for use of a portion of the transmitter building located there.

Nonetheless, as KKAI reported in its tolling request, its difficulties with moving forward with expeditious construction of a new tower to be owned with KALO have included difficulties with getting certain size vehicles and equipment to the site, which have also added to delays in planning. Generally, Hawaii's lack of certain types of technical people or equipment makes progress very slow. Additionally, the particular site chosen has both a private owner and a public owner, the State of Hawaii, as land owners. Every change in construction plans requires the landowners' review and approval. Therefore, the new tower to be built has required planning, replanning and further replanning.

As a result of these ongoing problems and of the need to meet a Phase 2 transition deadline, later adjusted to Phase 3, KALO sought and was granted Special Temporary Authority (File No. 0000066951) to install an antenna for operation on its new channel at its current transmitter site as a workaround, and it completed facilities on the new channel and is operating with those facilities on an interim basis until permanent facilities can be constructed at the KKAI site, as specified in the KALO repack construction permit. KALO still is seeking to move to the shared site in order to be able to provide better service to the public than is possible from the interim location and is relying on the understanding that the new facilities can be constructed by the requested July 1, 2020, tolling date. If that goal should prove unattainable, however, KALO will explore other options for improved service to the public from operation at a permanent site. In the interim, tolling the outstanding construction permit will serve the public interest by allowing KALO to move forward with its efforts to serve the public in the best way possible at the earliest possible date.