

**Request for Extension of Construction Permit and Waiver of Tolling Rule  
KXLK-CD Facility ID 48836**

Univision Local Media, Inc. (“ULM”), licensee of KXLK-CD, Austin, Texas (Facility ID 48836) (the “Station”) holds a construction permit (“CP”) authorizing construction of its post-auction channel facilities that initially was set to expire on the Phase 3 deadline, June 21, 2019. On June 20, 2019, the Station was granted a six month extension of the CP deadline until December 18, 2019 (see LMS File No. 0000068562) because the Station’s tower failed structural analysis and required relocation. Additionally, because the Station requires extensive land mobile interference testing on post-transition channel (14) that cannot commence until the permanent antenna has been installed, the Station also filed for Silent STA (LMS File No. 0000075307). The Station suspended its operations on June 21, 2019, until its post-transition tower facilities have been constructed and finalized. This Silent STA is set to expire February 1, 2020.

At this time, the Station has made significant progress toward building out its post-transition facility. However, as it anticipates final construction to be completed sometime in April 2020, and because of the Channel 14 interference issues that will still need to be resolved, the Station respectfully requests that the Commission grant a second six-month extension of the Station’s CP deadline, until June 18, 2020.

The Station further requests a waiver of the Commission’s tolling rule to permit grant of this further extension of time to construct.<sup>1</sup> The Media Bureau has explained that where construction of a station has been disrupted by circumstances other than those expressly provided for in its tolling rules, “[s]tations may also seek a waiver of the tolling rule to receive additional time to construct in cases where ‘rare or exceptional circumstances’ prevent construction.”<sup>2</sup> In considering a waiver, the FCC may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>3</sup> Ultimately, a waiver is appropriate if circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.<sup>4</sup>

Grant of the instant request for waiver of the tolling rule would be squarely within the Commission’s policies. The Station has made diligent efforts to complete relocation of its tower. Despite this, circumstances outside of the Station’s control made it impossible for the Station to complete construction by the applicable CP deadline. As indicated above, the licensed tower faced enormous structural difficulties, resulting in failure of its structural analysis. Locating a tower crew to implement a reinforcement project of this scale for a Phase 3 build was not

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<sup>1</sup> See *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, Public Notice, DA 18-884, ¶ 13 n.34 (2018) (citing *1998 Regulatory Review—Streamlining of Mass Media Applications, Rules and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17536, ¶ 42 (1999)).

<sup>2</sup> *Id.*

<sup>3</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

<sup>4</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

possible. Consequently, the Station began the process of relocating. The Station has identified its new tower, but relocating to that tower is not possible until all applicable full power stations have completed their repack work on the tower (after Phase 3). After lengthy discussions, the Station recently was able to agree to lease terms with this tower owner and is now finalizing and executing a lease. The Station will finalize equipment installation and tower rigging contracts immediately upon execution of the new site lease. Moreover, the Station cannot commence interference testing required for channel 14 licensees (nor mitigate any identified interference) until construction of its new tower is complete. The proposed waiver would therefore serve the public interest by enabling the Station to extend its CP to take account of these unanticipated and extraordinary obstacles, and thereby avoid unnecessary disruption to viewers in the market.