

EXHIBIT IN SUPPORT OF FURTHER TOLLING

LR Telecasting LLC is the licensee of repack station KMYA-DT, Camden, Arkansas. Pursuant to Special Temporary Authority, the Station has been operating at reduced power since it vacated its pre-auction channel in later 2018. The reasons for this have been set forth in an evolving narrative that LRT has provided to the Bureau multiple times over many months. Those facts have been the predicate for the Bureau's extending, several times, KMYA-DT's deadline to complete the build-out of its facility at the parameters specified in its post-auction authorization.

Construction of the post-repack facility was completed in December 2019. The station could not be activated and a covering license application filed, however, because anomalous voltage readings raised a safety concern. In due course it was determined that these anomalies resulted from an incompatibility between the electrical configuration of the power pole transformers and the configuration that the station's new Continental Electronics transmitter requires in order to operate safely and properly.¹

Solving this problem requires replacing the legacy transformers. That task is not inordinately complicated as a matter of engineering work, but *LRT does not have the legal authority to undertake it*. The transformers are maintained by Entergy, the local electric utility, whose jurisdiction extends to the power poles. Although Entergy has the discretion to authorize LRT to effect the change-out, it will not agree to this.

Instead, Entergy has required LRT to enter into an arrangement – termed an 'Agreement to Change Existing Facilities' (ACEF) – whereby Entergy would replace the existing transformer bank for a non-negotiable fee dictated by Entergy. The single-page ACEF is not a commercial contract. The money paid by LRT is not treated as 'consideration' in the ordinary legal sense. Rather, in the language of the ACEF, it is a "contribution" to Entergy. Additionally, the ACEF contains no time parameters. It recites only that Entergy will install the new transformers "within a reasonable time."

Under normal circumstances, "reasonable time" according to Entergy personnel is 30 to 60 days. But in the pandemic environment, that historic gauge has become meaningless. Since September 11, the date that the Bureau granted LRT's prior waiver request, cases of COVID-19 in Arkansas have skyrocketed and the numbers of hospitalizations and deaths per day are at an all-time high.²

We are hopeful that the installation of the new transformer banks can be completed in the next sixty days. As a hedge against circumstances which might extend that boundary, however, LRT is reconsidering the viability of a potential solution suggested early on by Continental Electronics, the manufacturer of the transmitter. The idea was to install an isolation transformer – a kind of intermediate transformer – between the pole power and the electrical breaker box feeding the transmitter. While this would not be a permanent solution, it would, if viable, enable LRT to activate the new transmitter and file a license application. We will keep the Bureau advised of progress on this possibility.

¹ The electrical distribution system that an electric utility administers involves voltage levels that are incompatible with those required by the machinery and equipment of end-users. Transformers – as the word indicates – 'transform' electrical energy from one value to another in order to resolve these disparities. One of the locations at which transformers perform this duty is the power poles adjacent to customer premises. Transformers essentially are coils of wire that induce voltage-modulating magnetic fields. Different modulations of electrical levels are produced as a function of the number and connection patterns of these windings (the 'configurations' of the transformers). The proper and safe functioning of the Continental Electronics transmitter which LRT purchased, per its Repack-mandated channel change, requires a 'Wye' configuration of transformers (so-called because the physical layout of the sets of coils forms a 'Y' shape). The legacy transformers on the power pole are a different configuration (a 'Delta' configuration) that is incompatible with the CEC transmitter.

² See, <https://katv.com/news/local/arkansas-gov-asa-hutchinson-to-give-covid-19-briefing-11-24-2020>.

For the foregoing reasons, LRT respectfully asks that the expiration of its post-auction construction permit be tolled until January 30, 2021.

Waiver of the Tolling Rule. “Stations may seek a waiver of the tolling rule to receive additional time to construct in the case where ‘rare or exceptional circumstances’ prevent construction.” *Transition Procedures Public Notice* at ¶ 43. The circumstances of this case are rare and exceptional and waiver is appropriate because the underlying purpose of the Tolling Rule would be compromised if it were enforced according to its literal terms.

Waiver of the 90-day Rule. Applications for extensions of a construction deadline are to be filed at least 90 days prior to the deadline. In the present case, as explained above, it was not possible to comply with this requirement. To the extent necessary, we request that the 90-day rule be waived.