

AMENDMENT TO EXHIBIT SUPPORTING FURTHER EXTENSION OF ENGINEERING STA

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. On August 26, LRT filed a request to extend the then-current STA scheduled to expire on August 31, 2020. That request remains pending (LMS File No. 0000120823). Also on August 26, LRT filed a request for further tolling of the KMYA-DT post-auction authorization. That request was granted September 11, 2020 (LMS File No. 0000120818), setting November 30 as the new deadline.

Today we have filed a request for further tolling to extend the expiration date of the CP to January 31, 2021 (LMS File No. 0000127674). The instant Amendment is being filed to update our pending request for extension of the STA to specify January 31, 2021 as the desired deadline. This will harmonize the end-dates of the CP and the STA.

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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.

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 August 26, the date that LRT filed its request to extend the STA, cases of COVID-19 in Arkansas have skyrocketed and the numbers of hospitalizations and deaths per day are at an all-time high.¹

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. For the foregoing reasons, LRT respectfully asks that its STA be extended to January 31, 2021.

¹ See, <https://katv.com/news/local/arkansas-gov-asa-hutchinson-to-give-covid-19-briefing-11-24-2020>.