

## **Request for Waiver of Tolling Rule**

Nexstar Inc. (“Nexstar”), the licensee of KTAB-TV, Abilene, Texas, FAC ID 59988 (the “Station”), pursuant to 47 C.F.R. §73.3598(b)(1) of the Commission’s rules, respectfully requests a waiver of the tolling rules and seeks a brief extension of its post-auction construction permit (“CP”) for Channel 30. See FCC LMS File No. 0000029890.<sup>1</sup> The Station, a CBS affiliate located within the Abilene, Texas Designated Market Area (Ranked 164), is currently operating on its post-auction Channel 30 using interim facilities as detailed in a special temporary authority (“STA”) – slated to expire on December 30, 2020. See FCC LMS File No. 0000116657. The instant request is based on the following circumstances.

The Commission’s rules accommodate one 180-day post-transition construction permit extension.<sup>2</sup> Any subsequent requests for an extension of time to construct are subject to the Commission’s Tolling Rule.<sup>2</sup> Nexstar’s original CP, issued in October 2017, was slated to expire on July 3, 2020 at the conclusion of the Transition Phase 10.<sup>3</sup> As the Media Bureau is aware, Nexstar was unable to construct the KTAB-TV post-transition facilities by the conclusion of Phase 10 due to a delay in the manufacture of the custom guy wires necessary to support the Station’s modified tower and the consequent rigging delays. As a result, Nexstar sought and received an extension of the Station’s CP until December 30, 2020. See FCC LMS File No. 0000116658. Per the manufacturer, the equipment delay will persist beyond the current December 30, 2020 construction extension deadline.

As the Commission knows, due to the limited rigging resources, weather conditions and other intervening conditions, such as the COVID Pandemic, installation schedules and equipment availability have been impacted, and as such, have made it impossible for Nexstar to meet the KTAB-TV construction deadline. These unexpected and uncontrollable events should be considered rare and exceptional circumstances.

Accordingly, Nexstar seeks a waiver of the tolling rules and a brief extension of

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<sup>1</sup> As most recently extended on July 1, 2020. See LMS File No. 0000116658.

<sup>2</sup> 47 CFR §73.3700(b)(5).

<sup>3</sup> *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced, Public Notice*, 32 FCC Red 2786 (WTB & MB 2017) (Closing and Channel Reassignment Public Notice).

time to complete the final post-transition Channel 30 facility – until April 30, 2021. This duration would allow Nexstar, the equipment manufacturer and the requisite installation crew to complete the process with time to spare should unavoidable and adverse conditions persist through the first quarter of 2021. This request is in the public interest as it would allow the Station to continue providing broadcast service to its community of Abilene, Texas.