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March 16, 2021

Via Email

Robert Gates
Media Bureau, Audio Division
Federal Communications Commission
44 L St. NE
Washington, DC 20554
Robert.gates@fcc.gov

**Re: Southern Broadcast Media, LLC
Waiver Request for Construction Permit BNPFT-20180322ABG**

Dear Mr. Gates:

Southern Broadcast Media, LLC (“Southern Broadcast”), permittee of a construction permit for FM Translator Station W244EM, Winston-Salem, North Carolina (Fac. ID 201392), pursuant to the Media Bureau’s September 10 Public Notice and Sections 1.3 and 73.3598(b)(1) of the Commission’s Rules, submits this request for waiver of the construction deadline for Construction Permit BNPFT-20180322ABG (the “Construction Permit”).¹ On April 13, 2018 the Commission granted the above-referenced application for the Construction Permit to Southern Broadcast. Recently, on February 2, 2021, Southern Broadcast filed a Minor Modification Application (LMS File No. 0000135146) to request a channel change and an Amendment to that Minor Modification Application to update the requested channel. The Commission granted that Amendment to a Minor Modification Application on February 22, 2021.

The Construction Permit is scheduled to expire April 13, 2021. Licensee respectfully requests that the Commission waive that deadline and extend the Construction Permit deadline to October 13, 2021. The Commission is well aware of the monumental impact the novel coronavirus (“COVID-19”) has had on the country and on the broadcast industry in particular. The World Health Organization has classified COVID-19 as a pandemic, and the President declared it a national emergency. In light of the unprecedented situation created by COVID-19, the Media Bureau’s September 10 Public Notice specifically contemplates extending construction permit expiration dates for any Auction 99 or 100 permittees if construction of the authorized facilities has been impacted by COVID-19. Among other things, the September 10

¹ *Media Bureau Announces Availability of Construction Deadline Waivers for Certain FM Translators Awarded in Auctions 99 and 100*, Public Notice, 35 FCC Rcd. 9555, Sept. 10, 2020 (“September 10 Public Notice”); 47 CFR § 73.3598(b)(1).

Public Notice includes halts in construction and disrupted equipment availability and deliveries due to COVID-19 as justification for extension of a construction permit expiration deadline. In addition, the Commission's rules permit it to waive its rules where good cause is shown,² and the broadcast rules explicitly allow the Commission to toll original construction permit expiration dates if, among other things, an act of God or events beyond the control of a permittee prevents construction of the permitted facilities.³

Here, good cause exists to extend Southern Broadcast's Construction Permit deadline. Due to the COVID-19 pandemic, Southern Broadcast has faced delays in the time it would normally take to order and receive parts necessary to build the channel, as well as delays with the company that has been scheduled to complete construction. The company which Southern Broadcast has retained to work on construction has continued to work as best it can throughout the pandemic, but it has faced delays and setbacks with other projects due to the pandemic, and as such has run behind, which has caused Southern Broadcast's construction timeline to be delayed, as well.

Due to the difficulty in procuring equipment and obtaining engineers and construction companies that are available and willing to work during the ongoing pandemic, Southern Broadcast respectfully requests that the Commission waive the deadline associated with the Construction Permit and extend the construction deadline to October 13, 2021.

Please contact the undersigned should any questions arise in connection with this matter.

Sincerely,

/s/ Elizabeth E. Craig

Elizabeth E. Craig
Counsel for Southern Broadcast Media, LLC

cc (email): Larry Hannif-Ali (Larry.Hannif-Ali@fcc.gov)

² 47 C.F.R. § 1.3.

³ *Id.* at § 73.3598(b)(1).