

**Globe LPTV LLC**  
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June 2, 2021

VIA ELECTRONIC SUBMISSION

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554  
Attn: Media Bureau Audio Division & Video Division

**Re: Request for Waiver of Filing Deadline for Extension of Construction Permit  
for K30MM-D Gila River Indian Community, AZ Facility ID 187704**

Dear Ms. Dortch:

On March 6, 2021 the Commission published a Public Notice (DA 21-260 released March 4, 2021) Media Bureau Reminds Low Power TV and TV Translator Stations of July 13, 2021, digital transition date (the "Public Notice"). In the Public Notice, *inter alia*, the Commission provided for a procedure to request an extension of time to construct digital construction permits expiring July 13, 2021. Globe LPTV LLC, permittee of K30MM-D Gila River Indian Community, AZ Facility ID 187704 ("Permittee" or "Globe") has such a digital construction permit expiring July 13, 2021 but did not seek an extension by the March 15 deadline. Globe has now filed herewith such a request for extension and asks that the Commission waive the deadline for such filing pursuant to 47 CFR 1.925(b)(3)(i) and (ii).

**Summary.** The public interest would be served by the grant of Globe's waiver request. Globe should be given the opportunity to have its application for extension of time considered. This waiver should be granted due to unique and unusual circumstances which arose due to the unexpected and untimely death in January 2021 of the undersigned's brother, David Primm, who was singularly responsible for construction of K30MM-D. At the time of David's death, it appeared that K30MM-D was well on its way to completion. Further, Globe was also negotiating a planned shared antenna in February and March of 2021. Failure to waive the March 15 filing deadline set out in the Public Notice would be inequitable under the circumstances since the work completed by David prior to his death and the planned shared antenna made it

appear to the undersigned in consultation with Globe's consultants and engineers that no extension would be needed. Subsequent events have proven otherwise and Globe asks that this waiver be granted so that its application for extension of time may be considered.

**Death of David Primm January 2021.** David Primm, the 55 year old brother of the undersigned, passed away unexpectedly January 17, 2021. David had been organizing the launch of K30MM-D and had been the chief operator of Globe's station KFPB-D (now KDVD-D) which is to be co-located with K30MM-D. Globe had obtained a transmitter and an encoder on December 10, 2020 for K30MM-D and after David's death it appeared to the undersigned that K30MM-D was well on the way to completion of construction well before the July 13 deadline. The only major piece of equipment needed to commence program tests was an antenna.

**Attempt to Enter into Shared Antenna Agreement February – March 2021.** In February and March of 2021 the undersigned began negotiations with Edge Networks which was constructing two UHF stations permitted to Gila River Television, Inc. ("GRTI"). The two new stations planned to locate on the same tower on which K30MM-D is permitted. A consultant for GRTI, Gary Stigall, endorsed this project since power levels and patterns of all three stations are identical. A copy of his email endorsing the combined use is attached as Attachment 1 hereto.

As negotiations for the shared antenna progressed into March, it seemed unnecessary and burdensome to seek an extension of time when K30MM-D could easily be completed prior to the July 13 deadline, particularly with the use of a shared antenna. In late March, however, it became apparent that no agreement could be reached to share the antenna primarily due to unforeseen technical considerations. It therefore became necessary to find and purchase a separate antenna.

**Globe is a Very Small Business and Brings Unique Perspectives and Programming to the Phoenix Area.** Globe presently operates only one TV station, KDVD-D Globe-AZ (serving parts of Phoenix). As a very small operator we are willing and able to bring programming to serve underserved communities and offer fresh perspectives on topics of important public interest. For example, on KDVD-D, we offer Nuestra Vision, serving many first generation immigrants with news and sports directly from Mexico together with classic movies made in Mexico not otherwise available from any other source.

When built, Globe intends that K30MM-D operate other unique programming geared toward niche and underserved audiences as we do now on KDVD-D. Our status as a small business allows us to try experimental programming and niche services that often might prove financially unfeasible for the large station groups which own the bulk of the broadcast television stations in the Phoenix area. Indeed, we are seeing ever more consolidation in the Phoenix television market (see, e.g., Gray Television's proposed acquisition of Meredith's television properties, including two full power stations in Phoenix).



**Waiver Should be Granted Pursuant to 47 CFR 1.925 (b)(3)(i) and (ii).** This waiver falls directly within the intention of 47 CFR 1.925 (b)(3)(i) which states that a waiver may be granted when "the underlying purpose of the rule(s) would not be served ... by application to the instant case, and that a grant of the requested waiver would be in the public interest." Globe is a small company and will bring alternative local views as compared to the large national operators which now predominate the television market in the Phoenix area. Ensuring maximization of diverse viewpoints and service to niche and underserved audiences is clearly in the public interest and this important service should not be foreclosed because of the late filing of the instant application for additional time to construct K30MM-D.

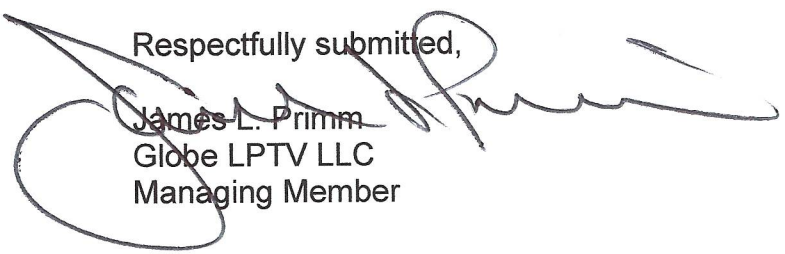
Waivers may also be granted in accordance with 47 CFR 1.925(b)(3)(ii) when it would be in the public interest and "unique and unusual circumstances" arise so that failure to grant the waiver would be "inequitable and the applicant has no reasonable alternative."

In the case of construction of K30MM-D, the death of the undersigned's brother who was primarily responsible for construction of the station and who had begun construction stands out as a unique and unusual circumstance and therefore falls under the purview of 47 CFR 1.925 (b)(3)(ii).

Failure to grant the waiver and allow consideration of the instant application for an extension of time to construct would be inequitable under the circumstances when these unique issues of death of the primary engineer in charge of construction and serious negotiations to share an antenna made it appear unnecessary to seek an extension of time to construct at the time the Public Notice deadline for an extension was established. Further, Globe has no reasonable alternative. There exists no other alternatives but to construct the station and, for the reasons stated in the instant application, that may not be possible due to circumstances beyond the control of Globe.

The Permittee respectfully requests that the Commission **Grant** this waiver and permit consideration of the Permittee's application for an extension of time to construct K30MM-D.

Respectfully submitted,

  
James L. Primm  
Globe LPTV LLC  
Managing Member

James L. Primm  
Attorney at Law  
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760-610-9276

Attachment 1 K30MM-D

Gmail - Introductions - Globe and Edge Networks

<https://mail.google.com/mail/u/0?ik=76c033dale&view=pt&search=...>



James Primm <jameslprimm80@gmail.com>

## Introductions - Globe and Edge Networks

6 messages

Gary Stigall <gary@signalwiz.com>

Fri, Jan 29, 2021 at 6:21 AM

To: Michael Chase <mchase@edgenetworks.tv>, Nick Hottinger <nick@edgenetworks.tv>, Ronnie Fuller <rfuller@fullerconsultingllc.com>, Thomas Rich <thomas@edgenetworks.tv>, James Primm <jameslprimm80@gmail.com>

Good morning,

This is to introduce the Edge Network team to Jim Primm, President of Globe Broadcasting. Among other properties, Jim owns KFPB-LD Globe, AZ, channel 25. He also holds the construction permit for K30MM for which he is looking to build out the transmission facility by July when the CP expires. This was a legacy CP for GRTI but given to Globe to settle a mutually exclusive application for channel 21. We all had to act quickly as Phoenix was in repack Phase One.

Channel 30 has the same issue as 19 and 28; i.e., they all need to protect co-channel stations in Tucson. This isn't insurmountable since the pop count in the direction of Tucson is very low and directional antennas can eliminate any co-channel interference.

Jim is friends with Gary Cocola, the licensee of stations in Boise and Fresno and Edge partners in Boise.

Jim expressed yesterday a desire to share the broadband transmit antenna array and combiner. We'll have to calculate the maximum power input to the transmit antenna splitter and individual panels to see if this sharing is possible. With a CP antenna, we have twice the feed power needed, but depending on the system design, we can also have twice the number of elements to feed, which distributes the input power, potentially doubling the maximum input.

Note that KFPB-LD is not part of this conversation since it has other signal limitations due to protection for other incumbent stations.

Jim, we've been working with Edge Networks to quickly build out KGRX-LD 19 and KGRY-LD 28 on South Mountain. GRTI will lease those stations to Edge. The intent is to broadcast a circularly-polarized signal, which will require a transmitter with twice the total power output of a horizontal-only feed.

Michael Chase, VP of Systems for Evoca, is heading up the project, coordinating all of the legal, financial, and technical aspects.

Ronnie Fuller is a consultant, working out the site acquisition aspects: real estate, power, cooling, and so on.

Nick Hottinger and Thomas Rich are the broadcast engineers evaluating and specifying the antenna, transmitter, data management, and other technical aspects.

I'm representing GRTI, but also helping with some of the details like microwave STL that will help get us going, but I learned early on that I didn't have the bandwidth to move this project along quickly enough without the help of this team.

My understanding is that Edge Networks is considering bringing K30MM into the fold. If the limitations of the antenna system are not too much, it could be possible to share the antenna. It's also quite possible that Edge wants to lease the additional bandwidth possible with the addition of channel 30.

Here's to a great partnership moving forward.

Gary Stigall, CPBE  
Signal Wiz  
Broadcast Technical Services  
6822 Fisk Avenue · San Diego, CA 92122