

## **Exhibit Demonstrating that Failure to Meet the Construction Deadline of July 13, 2021 was due to Unforeseeable Circumstances Beyond the Control of the Permittee**

The failure to meet the July 13, 2021 construction deadline for K30MM-D by Globe LPTV LLC, permittee of K30MM-D Gila River Indian Community, AZ (the "Permittee" or "Globe") is due to unforeseeable circumstances and circumstances beyond the Permittee's control and the Permittee has taken all reasonable steps to resolve the problems expeditiously. K30MM-D is expected to commence operation well within the six month extension of time requested in this Application.

**Summary.** David Primm, engineer of KFPB-D, Globe, AZ (serving parts of Phoenix and now operating with a call sign change as KDVD-D) died January 17, 2021. David had been singularly in charge of the construction of K30MM-D which is co-located with KDVD-D. David had acquired a transmitter and encoder for K30MM-D prior to his death and had taken other steps to complete the administrative process required for construction of the station. David's unexpected death at age 55 was unforeseen and beyond the control of the Permittee. David's death caused delay as the undersigned had to re-determine the equipment still required, make contact with government and private agencies and take other steps needed to commence operation of the station.

Equipment delays have occurred for reasons beyond the control of the Permittee. A failed attempt to arrange for a shared antenna due primarily to technical constraints with a co-located permittee resulted in Globe having to purchase a separate antenna from Jampro. Jampro has been unable to make timely delivery of the antenna due to Jampro supplier delays.

Administrative delays have also slowed this project as the Parks and Recreation Department of the City of Phoenix which controls the tower site must approve construction of K30MM-D and approval has been backlogged due to staffing issues and delays in city workers returning to their offices or otherwise working full time due to the Covid-19 pandemic. Further, the tower owner, Crown Castle, must approve the antenna and Globe has not been able to obtain technical drawings from Jampro needed to complete its application due to a backlog of requests.

Globe is taking all necessary steps possible to complete construction and plans to complete construction of the station well before the six month extension of time hereby requested.

## **A. Steps Taken by Globe to Complete Construction**

April 19, 2019 Filed Amendment to Construction Permit to Co-locate K30MM-D with KFPB-D (call signs now changed to KDVD-D)

July 17, 2019 David Primm notified Ben Endow of South Mountain Users Association of plans to construct K30MM-D. Mr. Endow referred Permittee to the Parks and Recreation Department of the City of Phoenix.

October, 21, 2019 Notified Parks and Recreation Department of the City of Phoenix of our plan to add K30MM-D on the same tower occupied by our previously approved KFPB-D.

April 2020. David Primm pursued approval by the City of Phoenix. Multiple discussions by telephone with the Parks and Recreation Department of the City of Phoenix of which at least one included the undersigned. The City explained that it was limiting certain non-essential personnel to work at home. The primary person, Gioia Bufkin, responsible for operations at the City owned transmitter site was included with those working limited hours and from home. Ms. Bufkin later resigned and the City did not fill the vacancy during the Covid-19 pandemic.

December 10, 2020. Globe obtained a transmitter and encoder for K30MM-D which is on site and in working order.

January 17, 2021. Death of David Primm.

January 29, 2021 Discussion and emails with Gary Stigall, consultant to Gila River Telecommunications Inc. ("GRTI"). GRTI had arranged for its two construction permits to be modified so as they could be co-located on the same tower with K30MM-D. K30MM-D and the two construction permits belonging to GRTI have identical patterns and, according to Mr. Stigall, made good candidates for a three-way shared antenna. GRTI had engaged the services of Edge Networks to build out the construction permits. Further, Edge Networks entered into a Time Brokerage Agreement under the terms of which it would operate its EVOCA wireless cable system utilizing ATSC-3 with its two channels. Mr. Stigall referred the undersigned to appropriate executives at Edge Network, including Michael Chase, and Mr. Stigall specifically recommended to Mr. Chase and other executives at Edge Networks that Globe and GRTI/Evoca share one antenna system. Mr. Stigall's email is attached hereto as Attachment 1.

February 2, 2021. Initial meeting and discussion of plan to share antenna with Edge Networks' Michael Chase.

February 3 – 5. The undersigned prepared and sent to Mr. Chase a proposal to share the antenna system.



February 19, 23, 24, and March 1. Discussion of proposal and counterproposals for operation of a single antenna system for all three stations. Technical analysis had to be conducted. The parties were optimistic that the technical analysis would not prove an impairment to the construction.

March 22. The engineers for Edge Network determined that its plans would not allow a shared antenna in this case. At that point, it became evident that due to the unique engineering requirements of Edge Networks, a shared antenna would not be feasible.

March 23 Notification by telephone to City of Phoenix that project was proceeding to launch K30MM-D on a separate antenna. City acknowledged that approval would be most likely forthcoming because Globe already had been approved for a twenty year agreement with the City on the same tower to operate KDVD-D. It was noted, however, that staff was still catching up with nearly one year of work and having to prioritize projects based on immediacy of need and those of greatest public concern, such as safety on hiking trails and other issues many of which had been unable to be completed by the Parks and Recreation Department during the Covid-19 pandemic.

March 23 Notification by telephone to Crown Castle Phoenix representative that antenna would be installed on tower as previously discussed. Crown Castle said analysis could be completed as soon as it obtained certain technical information.

March 31. Tom Werner, an engineer engaged by Globe due to the death of David Primm, commenced technical discussions with Greg Montano of Jampro Antennas for construction and delivery of an antenna to operate K30MM-D together with a filter.

April 2. A proposal and plan for the antenna and filter were provided by Greg Montano of Jampro Antennas. In an accompanying email Mr. Montano wrote in part "senior executives at Jampro confirm that we can meet your 60 day delivery schedule."

April 3 – 10 Additional technical discussions among Mr. Montano, Mr. Werner and the undersigned resulting in a completed plan for the antenna and filter.

April 11. Technical information provided to Crown Castle. Crown Castle requested a technical drawing of the antenna system as it would appear on the tower.

April 15. Globe wired \$8,000 non-refundable deposit to Jampro for antenna.

May 28 Jampro sent a letter to Globe explaining that several of its key suppliers were significantly behind in their deliveries of essential parts to Jampro and this had set back Jampro's time line for construction. A copy of the letter is attached hereto as Attachment 2.

June 4 After repeated requests, Mr. Montano from Jampro informed the undersigned by email that its engineers were behind on technical drawings and, while they had the technical information for our antenna and filter, they did not yet have drawings.

## **B. Circumstances outside of Permittee's Control Preventing Construction**

January 17, 2021. Death of David Primm. David, as chief engineer of our licensed station in Arizona, KFPB-D (now KDVD-D) was singularly responsible for construction of K30MM-D. David's untimely and unexpected death at age 55 left Globe rudderless in its plan to build K30MM-D. David's death left a void of information and planning that he had conducted for months prior to his death. David's death, unforeseeable and well beyond the control of the Permittee, meant all of David's efforts, aside from acquisition of the transmitter and encoder now in place, would have to be started from the beginning.

February 2 – March 22, 2021. Attempt to share antenna. Globe and GRTI had discussed early in 2019 the idea of a shared antenna as a logical solution for the three construction permits because all had identical patterns and power levels. GRTI obtained an agreement with Edge Networks to construct and operate the stations pursuant to a time brokerage agreement. Edge Networks is building its stations with technical considerations that were unknown and, indeed, unknowable, by Globe. It was only during negotiations with Edge Networks that technical work was conducted which made a shared antenna prove technically impossible. In particular, Edge planned to utilize MIMO technology for delivery of its signal which, according to the engineers, would not be compatible with Globe's decision to launch as an ATSC-1 station.

March 23 – present. Equipment Delays. Once it was determined that a shared antenna would be impossible under the circumstances, Globe hired Tom Werner, a technical consultant, to assist it in completing construction. Mr. Werner contacted Jampro and worked out a proposal for an appropriate antenna and filter. On April 2, Jampro's representative assured the Permittee that it could deliver the antenna and filter within 60 days.

As indicated in the letter dated May 28, Jampro cannot deliver within the requisite 60 days. The primary reason for delay is the unforeseen delay being experienced by Jampro's suppliers due to ramping up deliveries after being closed for many months due to the Covid-19 pandemic. These events are far outside of the control of the Permittee and the Permittee has taken all reasonable steps to obtain the antenna and filter as soon as possible.

April 2021 through present. Administrative Delays. The Parks Department of the City of Phoenix controls access to the site and must approve broadcasters use of the site. The City has been slow to respond over the past year due to decisions by the Parks Department to have non-essential personnel work from home and often at reduced



hours due to the Covid-19 pandemic. Further, the primary contact for lessees of the City resigned and a replacement was only recently added to the staff. The staffing at the City and its need to operate with most of its staff remotely slowed the approval process. The Covid-19 pandemic and the City's response thereto was firmly outside the control of Globe.

Crown Castle, the tower owner, must also approve the K30MM antenna. They have requested a technical drawing in addition to technical information provided already. As of June 4, some two months after our order was placed, Jampro stated that it was unable to provide a technical drawing due to a backlog of such requests. Again, a situation beyond the control of the Permittee.

### **C. Timeline and Plan for Completion**

Equipment Delays. The Permittee expects that Jampro will have completed the construction of the antenna and filter by July 15. Please note, that despite numerous requests, we have not yet, however, been able to obtain firm dates from Jampro. Yet, Jampro has indicated that its suppliers are ramping up production from the Covid-19 shutdown and we think it's reasonable that completion of this low power TV antenna should not exceed 30 - 45 days past their original promised delivery date. Shipment will take about 5 days to arrive in the Phoenix area once completed and shipped. The equipment should be on site no later than August 1, 2021.

Administrative Delays. The City of Phoenix has approved previously the application of Globe to operate from the South Mountain Park transmitter site with execution of a twenty year lease from the City for KDVD-D. Now that the Parks and Recreation Department is back at work for the most part from their offices at City Hall and the Parks and Recreation Department has appointed a new employee as the liaison between broadcasters operating at South Mountain Park, Globe expects to receive approval from the City by or about August 1, 2021.

Crown Castle. This antenna will replace an existing antenna of virtually the same length and weight. Once a drawing is obtained from Jampro, it is expected that Crown Castle will approve installation of the antenna about 30 days thereafter. Globe will utilize existing transmission line so no additional consideration need be given to the transmission line being used on the tower. We expect that final approval will be no later than August 15

Installation of Facility. As noted above, the transmitter, encoder and line are already in place. The primary installation will be the antenna. Our consultant, Jimmy McPhetridge, has already communicated with a qualified tower crew and they should be able to schedule the one day installation within about 15 days of administrative approvals. This would put installation of the antenna on or about September 1 – 10 depending on the tower crew availability and allowing for weather as the rainy "monsoon" season in Arizona is at its peak in late August and continues into September.

Filing License to Cover the Construction Permit. Program tests should commence by September 10 and the license to cover should be filed with alacrity thereafter. Globe estimates that its license to cover will be filed on or about **September 15, 2021.**

*Attachment 1 K30 MM - D*

James Primm &lt;jameslprimm80@gmail.com&gt;

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**Introductions - Globe and Edge Networks**

6 messages

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**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





May 28, 2021

James Primm,  
KDVD-TV  
5024 20th Place  
Phoenix, AZ 85040

Re: K30MM, Channel 30

Mr. Primm,

Due to the Corona Virus, California material supply companies are just starting to return to full staffing and thus has caused a delay in receiving raw materials. We still need time to machine these materials in order to complete the Channel 30 slot antenna and filter at K30MM.

We are working to complete your project in a timely manner and will apprise you as we move forward.

On behalf of Jampro Antennas, Inc., thank you for your continued business and support.

A handwritten signature in blue ink that reads "Cyndi Sanderson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Cyndi Sanderson  
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