

## **REQUEST FOR EXTENSION AND WAIVER**

Live Sports Radio, LLC, the permittee of Station K03IJ-D, College Station, Texas (the “Permit”), respectfully requests an extension of six months to complete construction of the authorized facility. This request is submitted pursuant the Commission’s Public Notice (DA 20-174) (released July 13, 2020), and in accordance with the provisions of 47 CFR §74.788 of the Commission’s rules.

In particular, good cause exists for the grant of the instant request due to the financial and logistical difficulties faced by Live Sports Radio over the past year in light of the COVID-19 pandemic. Live Sports Radio offers specialized radio service to attendees of live events, including sporting events and large conferences. Since March 2020, over 90% of the sporting events and conferences for which Live Sports has historically provided service have been cancelled due to the COVID-19 pandemic. Those events for which Live Sports Radio has provided service have been substantially scaled down. With the almost-total elimination of widely-attended, live events, Live Sports has been unable to generate income. Further, with 2021 events still being reviewed on a case-by-case basis, Live Sports Radio is unlikely to recover to its pre-COVID financial condition until 2022 at the earliest, making efforts to obtain third-party financing unrealistic and costly.

In light of these severe difficulties, Live Sports Radio has entered into an agreement to assign the Permit to Innovative Media Technologies (“Buyer”). The parties are submitting an assignment application simultaneously with this request, and will expeditiously consummate the transaction upon Commission approval. The grant of the instant request to extend the construction permit is in the public interest, as it will permit Buyer to complete construction of the authorized facility, and provide service to the public. Absent Commission approval of instant request, the public will not receive the benefit of a new programming source, thus detrimentally affecting the Commission’s goal to promote the diversity of voices and media outlets.

In addition, Live Sports Radio requests a waiver of the construction permit extension filing deadline (“CP Extension Filing Deadline”), per the procedures set forth in the Public Notice dated June 11, 2021.<sup>1</sup>

In the Public Notice, Commission staff indicated that permittees for new digital LPTV/translator stations with July 13, 2021 expiration dates that find that they will need additional time to complete their new digital facilities may submit an application for extension of digital construction permit. Because the CP Extension Filing Deadline has already passed, Commission staff indicated that applicants must include a request for waiver of the CP Extension Filing Deadline.

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<sup>1</sup> *Media Bureau Reminds Certain Permittees of New Digital Low Power Television and Television Translator Stations of Upcoming July 13, 2021 Construction Permit Expiration Deadline*, Public Notice, DA 21-683, at 1-2 (MB June 11, 2021) (“Public Notice”).

Pursuant to Section 1.3 of the Commission's rules, a waiver may be granted for good cause shown. Waiver is appropriate where the "particular facts would make strict compliance inconsistent with the public interest."<sup>2</sup>

Live Sports Radio submits that good cause exists for a waiver. Live Sports Radio just recently concluded negotiations with Innovative Media and have filed an application to assign the unbuilt facility to Buyer. The parties entered into an Asset Purchase Agreement on June 22<sup>nd</sup>, 2021, thus making compliance with the CP Extension Filing Deadline impossible.

As further explained in the attached Buyer's Statement, Buyer has committed to building the instant facility and has provided a timeline for construction. Rather than allowing the construction permit for this facility to be canceled, Live Sports Radio submits that the public interest would be served by granting this extension request, thus allowing Buyer reasonable time to complete construction of the facility in order to bring free, valuable over-the-air programming to the viewing public.

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<sup>2</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).