

REQUEST FOR TOLLING

Jennifer Juarez (“Juarez”) hereby respectfully requests tolling of her construction permit for her digital LPTV facility for station this station.

Under Section 73.3598(b) of the Commission’s rules:

73.3598(b)

The period of construction for an original construction permit shall toll when construction is prevented by the following causes not under the control of the permittee: (1) Construction is prevented due to an act of God, defined in terms of natural disasters (e.g., floods, tornados, hurricanes, or earthquakes);

(2) The grant of the permit is the subject of administrative or judicial review (i.e., petitions for reconsideration and applications for review of the grant of a construction permit pending before the Commission and any judicial appeal of any Commission action thereon), or construction is delayed by any cause of action pending before any court of competent jurisdiction relating to any necessary local, state or federal requirement for the construction or operation of the station, including any zoning or environmental requirement;

(3) A request for international coordination, with respect to an original construction permit for a new DTV station, has been sent to Canada or Mexico on behalf of the station and no response from the country affected has been received, or the licensee or permittee is challenging the response from Canada or Mexico on the grounds that the facility as approved would not permit the station to serve the population that is both approved by the Commission and served by the station's TV (analog) facility to be vacated by June 12, 2009;

(4) A request for international coordination, with respect to a construction permit for stations in the Low Power FM service, on FM channels reserved for noncommercial educational use, and for noncommercial educational full power television stations, has been sent to Canada or Mexico on behalf of the station and no response from the country affected has been received; or

(5) Failure of a Commission-imposed condition precedent prior to commencement of operation.

47 C.F.R. § 73.3598(b) (emphasis added). For three of her stations, Juarez has been awaiting the release of funding from the Repack process, which funding apparently has been delayed.

The requirement to change channels was a unique circumstance beyond her control. Further, the FCC’s delays in providing the anticipated funds in a timely

manner was a circumstance beyond her control. By design of the government's Repackaging Program, the vast majority of the funding for the change of Juarez's channels is to come from the funds allocated by the federal government for the channel changes.

Therefore, Juarez respectfully requests a waiver of the Commission's tolling rule requirements, and a 180-day tolling of the construction permit deadline. In addition to the circumstances outlined above, despite Juarez's diligent efforts, build-out of the authorized facility has been delayed due to multiple causes, ranging from competition for resources and supply constraints during repacking, and the ongoing pandemic conditions caused by COVID-19; illness, social distancing, and other pandemic-related precautions have resulted in equipment delivery delays and labor shortages, including the availability of tower crews; an already limited, highly-specialized and thinly-stretched work force necessary to install broadcast antennas and related equipment. In addition, its principal contractor has had multiple analog permits that it was required to construct, which also strained its availability and resources. The COVID-19 Pandemic, and the resulting delays, were also circumstances beyond her control.

Juarez submits that a grant of this tolling request would serve the public interest by providing additional time for Juarez to complete construction of the authorized facility and bring important television digital programming service to the viewing public on her new channel.