

Amendment to Request to Reinstate License and Extend Silent Authority

Iglesia Pentecostal Visperia Del Fin (“Applicant”) hereby responds to the Media Bureau’s July 30, 2021 letter requesting additional information in connection with Applicant’s request to reinstate the license of low power television station K23KI-D (the “Station”) and extend the 312(g) waiver and special temporary authority for the Station to remain silent pending the completion of displacement facility construction, which Applicant anticipates could be completed within 120 days following grant of the pending Displacement application (LMS File No. 0000151904).

The Station was displaced from channel 23 by a full-power television station as a result of the Broadcast Incentive Auction. Applicant promptly retained the services of a consulting engineering firm, which advised Applicant that it could find a site and build the Station’s displacement facility with commonly controlled station KRUM-LD (which had been granted a displacement application for channel 32). Applicant was also advised that it could use a combined antenna at the Renton tower site (then-owned by Insite Tower, currently owned by American Towers) to be time and cost-effective. Based on this, Applicant initiated tower lease discussions with Insite Tower in August 2016. Following completion of a structural analysis in October 2018 and discussions with the consulting engineer and transmitter manufacturer, Applicant submitted an application to Insite Tower in December 2018. The application was approved, and Applicant was told that it could build at that site. Applicant diligently began ordering equipment based on engineering studies provided by its consulting engineer and filed an application for a displacement facility on April 10, 2018. *See* LMS File No. 000052239.

In the meantime, Applicant was unable to renew or extend its existing channel 23 facility’s tower site lease for the Station due to the impending displacement and was forced to go dark following expiration of its lease on July 3, 2019. Applicant filed a Notice of Suspended Operations and request for Special Temporary Authority to Remain Silent on July 12, 2019. *See* LMS File No. 0000078002. Because Applicant had timely ordered all necessary equipment, it reasonably anticipated that it would be able to complete construction of the Station’s channel 23 displacement facility on or around the end of October 2019.

Unfortunately, as explained in Applicant’s subsequent Request for Special Temporary Authority to Remain Silent, filed on February 11, 2020 (LMS File No. 0000105857), Applicant encountered unexpected costs and technical difficulties associated with building the Station’s facility at the planned site, which forced Applicant to search for alternative sites. Specifically, Applicant’s negotiations with tower site management to accommodate the proposed combined antenna became difficult and ultimately it was determined that the necessary brackets were going to be cost prohibitive, requiring KRUM-LD and K23KI-D to again retain the services of its consulting engineer to move to a different site in downtown Seattle.

Applicant’s efforts to acquire necessary equipment and complete construction were further impeded in late 2019 and early 2020 by the global COVID-19 pandemic and resulting equipment shipment delays, labor shortages, travel restrictions, and difficulty acquiring necessary equipment from overseas manufacturers. Specifically, Applicant was informed around the end of 2019/beginning of 2020 by Elettronika (an Italy-based transmitter manufacturer) that the equipment order was going to take up to 120 days to be delivered from Italy to Elettronika’s U.S. warehouse in Miami, FL. Elettronika then anticipated that it would need at least two additional weeks to put the equipment together in Miami before it could be shipped to Applicant in Seattle, WA. Immediately after this, however, Italy was severely affected by COVID-19 as the virus began to hit Europe, and the country was effectively shut down. Soon after, Seattle, WA became an epicenter of the pandemic in the United

States, causing the entire state to effectively shut down for almost an entire year. Due to government and business shutdowns and mandatory quarantines, field work was forced to come to a halt in the absence of tower crews, electricians, inspectors, etc. IP service providers were also unable to complete necessary connectivity work for the Station and Applicant was denied services until about two months ago when they were informed that the IP service providers could commence work at the new site to provide the needed connectivity services.

On May 20, 2021, Applicant reached out to AFF Consulting, LLC to run the construction logistics and to acquire and file for the necessary City of Seattle permits. Applicant was then informed on May 21, 2021 by American Towers' regional site manager that *“there is a site access restriction [for the current tower of interest] where the safety climbing system is closed”* and that her *“site lead has no idea how long it's going to take for the restriction to be removed. It could be past your [STA/construction] expiration date. Another issue with this site is that we have a wireless tenant at the top of the tower, I don't know if that will interfere with your antenna especially since wireless tenants need to climb towers more often than broadcasters.”* The site manager then told Applicant to look at other American Tower sites within the coverage contour. Applicant explored each of those options but found that none of those towers was suitable for the Station's facility. Given all of these obstacles, Applicant filed the instant request to extend its silent authority and a waiver of Section 312(g) to permit the station to remain silent for more than 12 consecutive months.

Applicant reached out again to its consulting engineer and asked him to run an analysis to locate a suitable site to build the Station, and he provided possible alternatives on July 7, 2021, and ultimately recommended the Queen Anne site referenced in Applicant's pending Displacement application that was filed later that day. *See* LMS File Nos. 0000151904 (noting the “lengthy and difficult tower search” and Applicants willingness “to accept up to 10% incoming interference ...with the intent of resolving these issues in due course”).

Applicant has now spent over \$40,000 in professional services fees (including for engineering services and legal assistance to file the necessary STA, modification, and displacement applications). Applicant is also prepared to incur consulting costs (expected to exceed \$20,000) to run the construction logistics and to acquire and file for the necessary City of Seattle permits. Applicant has also spent hours in tower lease negotiations and negotiations for IP service providers to provide the necessary connectivity services to operate the Station. Applicant currently has all of the necessary equipment to build the station—at a cost of over \$50,000 for the equipment and necessary retuning to accommodate the site changes—and anticipates that it could resume operation of the Station within 120 days of grant of its pending Displacement application, weather permitting and absent any additional force majeure events.

Applicant respectfully submits that given the significant time, effort, and money that it has spent purchasing equipment and trying to find a suitable location for the Station—which was displaced by circumstances beyond Applicant's control—while navigating obstacles presented by tower site owners and an unprecedented global pandemic, equity and the public interest would be served by granting extension of STA and waiver of Section 312(g) to permit the Station to continue to remain silent while it continues to work diligently toward completing construction, permitting, and licensing of its new facility.