

## **Supplement to Request for Limited Extension of Deadline for KRDK-TV to Submit Invoices for Reimbursement from the TV Broadcaster Reimbursement Fund**

Following discussions with FCC Staff, Parker Broadcasting of Dakota License, LLC (“Parker”), hereby provides additional information to supplement its September 8, 2021 Request for Limited Extension of Deadline for KRDK-TV (“KRDK” or the “Station”) to Submit Invoices for Reimbursement from the TV Broadcaster Reimbursement Fund (“Initial Request”).<sup>1</sup>

Specifically, this supplement provides additional details on actions the Station has taken to date to meet the invoice deadline and further explains circumstances outside of Parker’s control that are preventing it from meeting the October 8, 2021 deadline to submit all invoices.

As the Initial Request explained, Parker has taken its repack-related obligations seriously and, despite complex and unique challenges, has made substantial efforts to finalize its transition and timely submit reimbursement invoices to the Commission. Over the past year, Parker has been working diligently to account for and finalize its remaining steps to project completion. Against that background, at this time, Parker can identify three main categories of invoices that have yet to be submitted – largely due to the fact that the work underlying the invoices has yet to be performed: (1) Guy-Wire-Related Invoice(s); (2) Field Study-Related Invoice(s);<sup>2</sup> and (3) Miscellaneous Invoices. While this supplement discusses below specific issues related to each of these categories of invoices, it first outlines circumstances unique to the Station as a whole that have more generally impacted its timeline.

The Station has encountered difficulties and delays in meeting FCC-mandated, repack-related construction obligations due to several inherent issues, most notably the Station’s small

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<sup>1</sup> ULS File No. 0000158818 (filed 09/08/2021).

<sup>2</sup> Parker is working with its vendor to arrange for this work to occur as soon as practicable. If it occurs prior to October 8, 2021, Parker will submit the relevant invoice(s) on or prior to that date.

staff operating remotely and a notoriously short construction season in the remote area of North Dakota where the KRDK tower is located. These issues were further exacerbated by the impacts of COVID-19, other health issues of key personnel and vendors, and land access restrictions.

1. General Considerations

As background, the Station is the very definition of a small business enterprise – owner/operator Ravi Kapur can rely only on an independent contractor as the part-time project manager. Mr. Kapur and the project manager are residents of northern California, from where they handle all vendor communications, invoicing, scheduling, etc. For a period of approximately six weeks beginning in early August 2021, an unanticipated personal health issue, the project manager’s double wrist fracture, interfered with project progress. More generally, as a small business, Parker has had difficulty throughout this project competing with much larger companies and their much larger staffs for vendor attention and prioritization during the prime warm weather construction months.

In addition, the Station has no in-house engineers, and must rely on outside consultants and vendors for technical work. The Station is located in a remote area outside of Fargo, North Dakota, and as Parker has previously explained in tolling requests, the construction season for this area of the country is extremely limited due to severe weather conditions. This reality has essentially offered Parker only that limited part of the year to construct when every other TV broadcaster, no matter the climate, could meet TV repack obligations. The remoteness of the area, coupled with the limited construction time window, has directly affected Parker’s ability to meet repack deadlines, as evidenced by the Station’s records and filings on this issue with the FCC.<sup>3</sup>

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<sup>3</sup> See, e.g., Initial Request.

Moreover, the COVID-19 pandemic had a severe impact on this project. First, Ravi Kapur, the decision-maker on this project, has not traveled to the site since before February 2020 due in major part to COVID considerations. All decisions regarding the station are therefore being made remotely, based on verbal communications and video calls. The lack of boots on the ground forces the licensee to identify and rely on third parties – an innately difficult task exacerbated by COVID. North Dakota has been severely impacted by the virus, reducing the availability of qualified tower crews and vendors in the area; these companies are working with limited staff and limited support, resulting in significantly delayed lead times, which were already longer than normal due to repack demands, estimated to be at least two times longer than during pre-COVID times.

## 2. Guy-Wire- Related Invoices

Due to circumstances beyond the Station's control, certain clearly reimbursable KRDK repack-related work remains to be done, including plumb and tension work on the Station's two guyed towers.<sup>4</sup> This work has not yet been completed by time-strapped installation crews in part because guy-wires are anchored in private land which is owned by local farmers. Because of that fact, KRDK must obtain permission before accessing this land, which has proven difficult due to the farmers' rigorous grow schedule. Specifically the land is used for growing corn and soy, with crops growing up to six-feet tall at times. As a result, there is a short window for KRDK to access its guy-wires. Parker has examined options to expand this window, including hiring a landscaping company that could assist in cleaning out the brush and weeds to allow for access. However, when the landscaping company examined the area it determined that it would

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<sup>4</sup> The height of the Station's towers necessitate this work: the first tower is 2060 feet tall (one of the tallest in the nation) and the second is 735 feet tall.

be unable to gain access with the necessary trucks and equipment due to the six-foot corn stalks. As a result, KRDK can only attempt to access the guy-wires when the farmers harvest their crops, which is usually a short window that follows a last-minute notification to KRDK. Once KRDK learns that it may access the site, it must act quickly to coordinate the appropriate crews, which has again proven difficult due to limited availability during COVID. KRDK anticipates that the next harvest will conclude next month, which would allow KRDK crews to negotiate access by the end of November 2021. KRDK has begun coordination with multiple vendors to be in a position to finalize the plumb and tension work at that time.

### 3. Field Study-Related Invoices

Since the Station switched its frequency due to the repack, KRDK has received multiple complaints from viewers and a number of MSOs about the loss of the Station's signal stemming from the repack. These complaints cover the Station's protected contour and beyond, since the Station serves all of Eastern North Dakota and Western Minnesota. As a result, KRDK, in coordination with its engineering consultants, has determined that additional field studies and comprehensive coverage verification are necessary to resolve any issues. KRDK originally contracted with a vendor to complete these studies, but this vendor proved unable to complete the work for personal health reasons. As a result, KRDK has had to scramble to locate a new vendor that would be able to access the site and run the field studies. KRDK has identified such a vendor and has emphasized the need for this work to be completed as soon as practicable, and has requested that an invoice be issued as soon as possible.

### 4. Miscellaneous Invoices

Finally, KRDK anticipates the need to submit two types of miscellaneous invoices. The first includes invoices related to management of the KRDK repack project. KRDK recently

identified and hired an outside consultant to help efficiently prepare these invoices and ensure that reimbursable work is adequately covered. The second type includes multiple invoices for storage units necessary to store the transmission line. The invoices as originally submitted to Parker from the vendor included inconsistent information and therefore Parker is working with the vendor to ensure that such invoices meet the FCC's requirements.

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The record to date of the KRDK-TV transition reflects a good faith effort over an extended period of time by a small, minority-owned business to overcome numerous obstacles in order to complete the complex, involuntary transition of its station, operating on one of the tallest towers in the country, to a new channel in service of the goals of the FCC's Incentive Auction. In order to ensure that the Station owners do not have to fund from their own scarce resources remaining reimbursable tasks, particularly guy-wire-driven plumb and tension work, the licensee here respectfully requests more time to complete those tasks and submit related invoices for reimbursement. The public interest will clearly be served by Commission grant of this request under the unique circumstances presented herein, and no party will be harmed thereby.