

EXHIBIT IN SUPPORT OF INVOICE DEADLINE EXTENSION

LR Telecasting LLC (“LRT”) is the licensee of Repack station KMYA-DT, Camden, Arkansas. KMYA was assigned as a Phase 1 station in the *Transition Scheduling Plan*. In the *Invoice Filing Deadline PN*¹, the Media Bureau extended this phased-assignment logic to the procedures by which stations would wind down their transition journey by submitting all remaining invoices for reimbursement from the TV Broadcaster Relocation Fund. For early Phase stations like KMYA, this deadline is October 8, 2021 (the “October 8 Deadline”). Stations that were grouped in the second half of the transition period have an invoice reimbursement deadline of March 22, 2022 (the March 22, 2022 Deadline”).

The *Invoice Filing Deadline PN* envisages that *extensions* of invoice deadlines might be warranted in circumstances where a licensee’s inability to meet its assigned deadline are beyond the licensee’s control. The mechanism by which this can, in appropriate cases, occur, is by the Media Bureau’s shifting a station from one assignment class to another – the station thereby becoming subject to a later invoice submission deadline, as if it had had a later Phase Transition assignment. For the reasons set forth below, we respectfully urge that such a shift is justified in this case and ask that KMYA’s invoice filing assignment deadline accordingly be extended to March 22, 2022.

In §1 we provide brief background context. In §2 we describe the unforeseen obstacle necessitating the instant request for an extension of the invoice submission deadline. In §3 we articulate the Key Factors relating the facts to reimbursement-specific metrics.

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§1. KMYA-DT ceased operating on its pre-auction channel (49) and began operating on its post-auction channel (18) by November 30, 2018, the deadline for Phase 1 transitions. Since that time, the Station has been operating at reduced power pursuant to Special Temporary Authority. The reasons for this have been set forth in an evolving narrative that LRT has provided to the Bureau multiple times over many months. Those facts have been the predicate for the Bureau’s extending or tolling, several times, KMYA-DT’s deadline to complete the build-out of its facility at the parameters specified in its post-auction authorization.²

Construction of the post-repack facility was materially completed in December 2019. The station could not be activated and a covering license application filed, however, because anomalous voltage readings raised a safety concern. In due course it was determined that these anomalies resulted from an incompatibility between the electrical configuration of the power pole transformers and the configuration that the station’s new Continental Electronics transmitter requires in order to operate safely and properly.

Solving this problem required replacing the legacy power pole transformer bank. The transformers are maintained by Entergy, the local electric utility, whose jurisdiction extends to the power poles. Entergy finally replaced the transformers in late January 2021. This was expected to be the final step before the post-transition facility could be activated and a license-to-cover filed.

¹ *Invoice Filing Deadlines for TV Broadcaster Relocation Fund*, Public Notice, 35 FCC Rcd 11273, 11277, paras. 10-11 (MB/IATF 2020) (*Invoice Filing Deadline PN*) (setting three filing deadlines for submission of all remaining repack invoices: for eligible entities assigned repack transition completion dates in the first half of the 39-month post-auction transition period, the deadline for submitting all remaining invoices is October 8, 2021; the deadline for entities assigned completion dates in the second half of the transition period is March 22, 2022; and the deadline for all other participants in the reimbursement program is September 5, 2022).

² The most recent request for further tolling is LMS File No. 0000158160, submitted August 30, 2021. The most recent request to extend LRT’s Engineering STA is LMS File No. 0000158165, submitted the same day. These applications are pending.

However, when testing of the new power pole transformers was initiated, an over-voltage occurred, causing damage to several pieces of electrical equipment in the transmitter building. The over-voltage resulted from an incompatibility between the newly-installed power pole transformers and a step-down transformer inside the transmitter building used to convert the incoming (higher) voltage to a (lower) voltage compatible with the building equipment.

The solution to this problem was to install a suitable step-down transformer. A local mechanical contractor, GLENN Mechanical, was engaged to handle this work. It was expected to be completed in early February. However, two matters disturbed that timeline. First, a family member of the individual in charge of the project contracted COVID-19 and passed away suddenly. This halted activity for three weeks. When the repercussions of that personal tragedy had settled and the project was again on track, GLENN Mechanical realized it had erred in thinking that the new transformer was in reserve locally. Instead, the equipment had to be ordered. At that juncture there was a further delay in delivery of the equipment caused by global supply chain backups.

The step-down transformer was installed on May 19 and 20, 2021. However, LR Telecasting's field engineer and project manager – the person responsible for executing the final steps of the project – suffered a massive heart attack and was hospitalized for several weeks. His ongoing convalescence required that LRT find someone who could step into the project – in particular, a highly-competent person with relevant expertise and experience who could quickly be brought up to speed. LRT identified and engaged this resource. He was at that point finishing another project at a Repack station in Mobile, Alabama, but would be finished soon and then go immediately to the KMYA site in Camden, Arkansas.

This transition occurred as projected. Subsequently, all matters required for completing construction were accomplished. It remained only for a team from Continental Electronics (the manufacturer of the Station's post-auction transmitter) to travel to the KMYA site for the final electrical performance-testing. The CEC team arrived at the site on August 18. Because of the delay that had occurred since the transmitter's original installation, CEC decided to perform conditioning work on the water cooling system prior to activating the transmitter itself. The cooling pumps ran normally and no issues were identified. However, water leaks were detected in the heat exchanger and outside plumbing components. GLENN Mechanical was then brought back to the site to evaluate this situation. They determined that the plumbing components easily could be replaced but that the heat exchanger was too damaged and a new one would have to be secured.

In response – as a temporary solution that would enable LRT to meet the August 31 deadline – LRT's field engineer proposed installing a heat exchanger that previously had been used at the station and was still on hand in storage. This was a highly-informed recommendation: Our field engineer has five decades of technical experience and is intimately familiar with the KMYA-DT operation. He was confident that this alternative strategy would work, ensuring that the August 31 deadline would be met. On August 20, counsel for LRT informed the Video Division to this effect. On August 24, the used heat exchanger was moved to the transmitter facility, cleaned, and tested to confirm its soundness. Just as our field engineer had predicted, the used equipment functioned properly. LRT apprised CEC of this result and its decision to move forward with this temporary arrangement.

Continental Electronics, however, refused to endorse this plan. It's view was that use of the substitute heat exchanger posed too significant a risk of damage to the new transmitter. In particular, according to CEC, tiny particles from potential corrosion in the substitute equipment and even algae residues could clog the cooling channels, compromising the new transmitter's performance, or worse, causing component failures within the transmitter system as a whole.

Considering Continental's stance, the cost of the new transmitter (in excess of \$400,000 in Repack Funds), the potential violation of warranty conditions if such conditions are not strictly observed, and – most important – the necessity for LRT to be confident in the new transmitter's performance over the long term – LRT concluded that the prudent course was to accede to Continental's request and wait for the new heat exchanger to arrive.

§2. Continental had advised that the lead time for the delivery of this equipment was 4-5 weeks. Accordingly, they projected that the installation could be completed by mid to late October. Last week, however, Continental notified us that their supplier's original shipping date had changed and that the date at this time cannot be precisely fixed. The reason given for the delay is unprecedented, global supply chain bottlenecks. The supplier ventured the best-case scenario that the delivery would be delayed two weeks. This development leads us to project that the delivery of the heat exchanger and the completed installation of the transmitter will occur sometime in November.

§3. Key Factors Relating to Reimbursement Metrics:

1. Work to be Completed. Install heat exchanger, mechanical contractor reconfigures copper piping for connection of heat exchanger to transmitter, run flushing cycles to ensure cooling fluids are cycling properly in cabinets, initial electrical tests on transmitter running power into dummy loads, activate transmitter, perform program tests, final check of transmitter building equipment, clean-up.

2. Costs Yet to be Incurred. The costs yet to be incurred are for the work described in paragraph 1.

3. Timeline for When the Costs Will Be Incurred. Assuming the validity of the schedule described in Section 2, the costs will be incurred between approximately October 25 and November 30, 2021. Invoices further to this work should be uploaded by mid-December.

4. Reasons for Delay in Submitting Invoices. The cause for the delay in submitting invoices from Continental is the delay in Continental's completion of the installation of the transmitter, which has been caused by the supplier's delay in shipping the heat exchanger, which in turn has been caused by unprecedented supply chain bottlenecks affecting the sourcing of electronic parts. Continental will provide an invoice when it has completed this work. The completion date will exceed the October 8 Deadline likely by 45-60 days. The cause for the delay in the mechanical contractor's providing an invoice is wholly inter-connected to the cause for delayed delivery of the heat exchanger. The cause for the delay in finalization of the Project Manager's final invoicing is connected to the same dynamic.

Deadline Options. We have every expectation that final invoices on the KMYA-DT project can be uploaded for reimbursement by mid-December – *ie*, a date far in advance of the March 22 Deadline. Our understanding is that the logic of the assignment deadlines does not avail itself of an 'in-between' deadline. Should it be the case, however, that the Bureau is able to impose a deadline of, for example, December 31, we are happy to abide this.

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For the foregoing reasons, LR Telecasting respectfully asks that its invoice submission deadline be extended to March 22, 2022, or such prior date as the Bureau deems appropriate in light of the facts described herein.