

**W22EL-D Vanderbilt, MI, Facility ID# 184927**  
**Request for Extension of Construction Permit**  
**Section 73.3598(b) Tolling and Extension of Permit Request**

Val Vista RV Park, LLC (“Val Vista”) permittee of the construction permit (“CP”) for W22EL-D Vanderbilt, MI, Facility ID# 184927 requests tolling and further extension of its construction permit. On April 21, 2022, Val Vista filed its second Request for Extension of Construction Permit (“Request”), explaining that despite Val Vista’s best efforts, they were unable to complete construction on the CP prior to its expiration date due to circumstances beyond its control. The Commission granted Val Vista’s request and extended its CP to June 7, 2022.

Val Vista noted in that Request that it was working diligently to attempt to complete construction but that a further extension may be needed should further delays arise.<sup>1</sup> To achieve its objectives and complete construction, Val Vista filed for a minor modification of its construction permit on April 5, 2022, File 0000188895. The modification requested a change in authorized maximum power and a change in antenna type in order to use a common antenna already installed for a sister station. However, due to its proximity to Canada, this modification application, requires Canadian Coordination. Accordingly, once Canadian coordination is achieved and the modification permit granted, no further construction will be required other than to finalize the connection to the already installed antenna and change the transmitter power setting. In other words, W22EL-D is ready to turn on within a matter of hours once the permit is granted.

Given the critical time requirement, on May 31, 2022, Val Vista’s counsel sent a message to James McLuckie, Chief, Cross Border Negotiations & Treaty Compliance Branch, Global Strategies and Negotiation Division of the International Bureau requesting that clearance be granted based on the 2000 DTV Letter of Understanding Agreement with Canada. That letter provides that if a response is not received within 45 days, the notifying Administration may assume that the notification has been approved. Since the forty-five days from submission to Canada would have been on or about May 20, the time for response has passed and a grant was requested. Once that happens, the construction permit can be issued and a license application filed within a matter of hours.

The public interest favors granting an extension here. As demonstrated in this summary and supported by the prior requests for extension and tolling together with their attachments, Val Vista has made every effort to obtain all necessary equipment and make installation arrangements without unreasonable delay. Delays are not a result of bad faith or intentional delay on behalf of Val Vista. Val Vista anticipates it will be able to complete construction as soon as Canadian clearance is granted. Val Vista is thus requesting an extension of its CP until to July 5, 2022, to provide the International Bureau sufficient additional time to achieve a response from Canada or conclude that it is appropriate to utilize the forty-five (45) day grace period and assume coordination.

Should the Commission fail to grant this request, Val Vista will be forced to surrender the CP for a broadcast facility that is for all practical purposes, fully constructed and ready to provide innovative new services to the viewing public within its proposed service grade contour. Thus, Val Vista requests that

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<sup>1</sup> Val Vista incorporates by reference the information and exhibits provided in its prior Request. *See* LMS File Nos. 0000178651 and 0000189005.

the Commission find the public interest is in favor of granting an extension and grant the requested extension.

## Attachment A

Email Request to James McLuckie, FCC

## Gregg Skall

**Subject:** FW: Vanderbilt LPTV  
**Attachments:** can-dtv.pdf

**From:** Gregg Skall  
**Sent:** Tuesday, May 31, 2022 3:16 PM  
**To:** James McLuckie (james.mcluckie@fcc.gov) <james.mcluckie@fcc.gov>  
**Cc:** Timothy Z. Sawyer (tzsawyer@tzsawyer.com) <tzsawyer@tzsawyer.com>  
**Subject:** Vanderbilt LPTV

Jim:

As shown in the chart below, Val Vista has two LPTV minor modifications that are awaiting Canadian Coordination clearance in Vanderbilt Michigan. The construction deadlines for these CPs are subject to a tolling deadline of June 7, just a week away. ***They are fully built, but we cannot file the license application without clearance from your office.***

File Number	Submit Date	Call Sign	Facility ID	FRN	State	City	Service
<a href="#">0000189005</a>	04/06/2022	W22EL-D	184927	0030697320	MI	VANDERBILT	Low Power Digital TV
<a href="#">0000189003</a>	04/06/2022	W20DT-D	184928	0030697320	MI	VANDERBILT	Low Power Digital TV
<a href="#">0000188896</a>	04/05/2022	W22EL-D	184927	0030697320	MI	VANDERBILT	Low Power Digital TV
<a href="#">0000188895</a>	04/05/2022	W20DT-D	184928	0030697320	MI	VANDERBILT	Low Power Digital TV

We are hopeful to receive clearance from Canada soon, but based on past experience, we believe that to be doubtful. To not lose the stations we request that you approve the clearance based on the 2000 DTV Letter of Understanding Agreement with Canada, copy attached. That letter provides, at paragraph 7(b), that if a response is not received within 45 days, the notifying Administration may assume that the notification has been approved.

Further, paragraph 12 relates specifically to LPTV:

**12. Low Power analog  
or DTV stations**

As in the existing  
Agreement, low power  
television stations are  
secondary relative to  
regular power  
television stations . . .

A response to the  
referral of a low power  
station proposal will be  
delivered within forty-

five (45) days from the date of receipt; if no response is received by the end of the forty five (45) day period, it will be assumed by the notifying Administration that the proposal has been approved. (emphasis added)

These CP modifications were submitted April 5 and we were advised that the bureau referred them to International for coordination. Forty-five days from that date would be May 20. Assuming they were promptly referred to Canada, they could be assumed approved and the CPs could be granted, allowing Val Vista to file its license application before the tolling extensions expire.

Therefore, please consider this message a request by the applicant to consider the coordination to be approved allowing the CPs to be granted.

Thank you,  
Gregg Skall, counsel to Val Vista.



**Gregg P. Skall, Member**

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### Certification

I, Larry ODonnell, Chief Engineer for Val Vista RV Park, LLC, have reviewed the foregoing Section 73.3598(b) Tolling and Extension of Permit Request and I certify under penalty of perjury that the facts set forth therein, except those of which public notice may be taken, are true and correct.

Executed on June 2, 2022.

A handwritten signature in black ink, appearing to be 'LO', is written over a horizontal line.

Larry ODonnell  
Chief Engineer  
Val Vista RV Park, LLC