

Jennifer Scragg Karr
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July 29, 2022

**WVUX-LD'S UPDATE OF EFFORTS TO COMPLETE
CONSTRUCTION OF DISPLACEMENT FACILITIES**

The expiration of WVUX-LD's construction permit was tolled in June 2021 and is set to expire August 29, 2022. Michael Karr, licensee of WVUX-LD, (hereinafter WVUX), requests that tolling be continued pursuant to 47 CFR 73.3598.

As of July 29, 2022, WVUX has not yet completed construction of its displaced facilities. In addition to the previous delays set forth in the original tolling application and tolling extension applications, WVUX is awaiting permit approvals and thus has encountered additional legal delays.

LEGAL ROADBLOCKS SINCE MARCH 2022:

As previously explained, WVUX entered into a Purchase and Sale Agreement on or about July 26, 2021 to purchase land upon which to locate its displaced facilities. However, because of wrongful acts of the seller which caused legal delays, WVUX was not able to complete the purchase of the land and close on the property until March 16, 2022.

WVUX then retained the services of Mead & Hunt to complete the architectural and engineering services for the facilities and also to conduct the environmental studies and obtain the necessary legal permits which contract was executed April 1, 2022 as is attached. The studies and appropriate permit applications have since been submitted. However, the approval to proceed has not yet been authorized by all the various government agencies.

As stated in the original tolling application, the FAA permit was originally approved but has been resubmitted because the proposed location of the tower has changed to a different position on the same property. During review by the engineers, a previous outconveyance of the land extended too close to the proposed location on the property and therefore WVUX had to switch to a different site on the property.

The geological report for the new location was received July 20, 2022 and The Phase I ESA report was completed on June 1, 2022. WVUX's engineering consultant indicated that SHPO will be completed by the end of July 2022 and then a few tribes will respond

after which the NEPA work which has been underway can be completed. Additionally, the FAA and ASR filings have been made with the appropriate federal agencies but have not yet been approved.

WVUX'S PLAN:

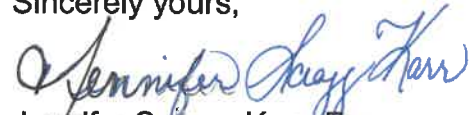
WVUX will complete the construction of a new tower upon which to hang its antenna on this newly acquired land. WVUX has ordered the new tower which has not yet been delivered (see attached contract dated May 12, 2022). All the other necessary equipment to operate the station is currently possessed by WVUX.

WVUX's engineering consultant anticipates the permits will be approved in mid-August 2022. Then the foundation must be poured which may take up to thirty (30) days to cure before constructing the tower. Thus, the new tower will take approximately four (4) months to complete. Currently, the construction permit is set to expire August 29, 2022.

CONCLUSION:

In conclusion, WVUX requests that because of these extraordinary times caused by the COVID-19 pandemic "act of god", the act of local government in indicating initial approval then declining tower colocation to WVUX and in financing redevelopment of the land on which WVUX is currently located, and also the delays in obtaining quotes from tower manufacturers because of the fluctuating prices and low supply of steel, and the legal delays in obtaining administrative approval by FAA, and in closing on the land upon which to build a tower, compounded by WVFX's tolling of its construction permit expiration, that, likewise, WVUX's construction permit expiration date continue to be tolled.

Sincerely yours,



Jennifer Scragg Karr, Esq.



**Professional services
acknowledgment**

To: **WVUX**
4810 Browns Creek Road
St. Albans, WV 25177

Date of Issuance: 4/1/2022
Mead & Hunt Project No: TBD

This letter will acknowledge that Mead & Hunt, Inc., is authorized to provide certain professional consulting services for the following project: **WVUX Tower AE, Geo, And Env services**

The scope of the work authorized is **Attached**

The schedule to perform the work is: approximate start 4/15/2022
approximate completion 8/15/2022

The estimated cost for the work is: **Lump sum amount of \$25,550.00**

This authorization for the work described above shall serve as the Agreement between Mead & Hunt, Inc. and your organization. All services shall be performed in accordance with the General Terms and Conditions for Engineering, Architectural, or Consulting Services which is attached hereto and made part of this Agreement. The services will be performed on a lump sum basis in the amount of \$25,550.00. You will be billed monthly for these services and must pay the invoice in thirty (30) days.

Approval: Mead & Hunt, Inc., shall commence work on this project as soon as we receive this signed document by delivery, regular mail, fax or e-mail.

Accepted by: **WVUX**

Approved by: **MEAD & HUNT, INC.**

By: 

By: _____

Name: Michael F. Karr

Name: Curtis Paxton

Title: Owner

Title: TeleCom Department Manager

*The above person is authorized to sign for Client
and bind the Client to the terms hereof.*

Date: 4-1-2022

Date: _____



Mead & Hunt Inc.
M & H Architecture, Inc.
400 Tracy Way, Suite 200
Charleston, West Virginia 25311
304-345-6712
meadhunt.com

**Harrison County, WV
WVUX Tower Site**

1A Letter

Date: May 9, 2022

Site Name: WVUX

Location: City: Clarksburg, WV
County: Harrison

U.S.G.S. Quadrangle: Clarksburg, WV

NAD 83) Latitude: N 39° 17' 11.839"
Longitude: W 80° 21' 55.857"

Existing Site Elevation: 1412.96' ± AMSL (0.0' AGL)
Proposed Site Elevation: 1409.00' ± AMSL (0.0' AGL)
Proposed Tower Height: 1749.00' ± AMSL (340.0' AGL)
Top Highest Appurtenance: 1757.00' ± AMSL (348.0' AGL)
(Lightning Rod)

I certify that the location for the above site has been surveyed and converted to the North American Horizontal and Vertical Datum's, and to the best of my knowledge and belief, is accurate to 1A Reporting requirements of ±20 feet horizontally and ±3 feet vertically.

The horizontal Latitude and Longitude, expressed in degrees, minutes and seconds, are in terms of the North American Horizontal Datum's of 1983 - NAD 83 (2011)

The site elevation is in terms of the North American Vertical Datum of 1988 - NAVD 88 (Geoid 12B) and reported to the nearest tenth of a foot.




Tiffany R. Long, PE 19748

ALLSTATE TOWER

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TANK & TOWER
GROUP

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P.O. Box 25
Henderson, KY 42419
ph. (270) 830-8512
fax (270) 228-4551
www.pttg.com

Job Number: FT-099339
Order Date: May 12, 2022
PO Number:
Shipping Terms: FOB Henderson, KY
Shipping Method: Truck

Bill To:

Premier Construction Group LLC
245 US Highway 19 South
Weston, WV 26452
Marion Dougherty, Owner
304-517-1260
premierconstructionwv@yahoo.com

Job Site/Ship To Location:

WUXX- 340' SST
Clarksburg, WV
304-517-1260
premierconstructionwv@yahoo.com
N39 17 07.574, W80 21 57.815 Harrison County

PAYMENT TERMS: 50% Deposit, 50% Upon Completion

LEAD TIME: 10-12 Weeks ARO Approved Drawings

Qty	Item	Unit Price	Total
1	FT099339-A 340' SST In Accordance with Allstate Tower, Inc. TNX Design FT-099339. To include the following: - Galvanized Tower Steel and Assembly Hardware - Step Bolts, All 3 Legs, Full Ht. - Cable Type Safety Climb by Tuf Tug for (1) Leg, Full Ht. - (1) 12-Hole Waveguide Ladder, Full Ht. - Grounding Package- (3) Ground Rods and 33' Wire with 6' Lightning Rod - Anchor Package- Anchor Bolts, Template, Bearing Plates - State of WV PE Stamped Tower and Foundation Design - (1) Beacon Mounting Plate	\$219,306.00	\$219,306.00
2	FT099339-B 12' Sector Mount Kit with (12) Antenna Mounting Pipe Kits- AST Part # SM12-K	\$5,110.00	\$10,220.00
1	FT099339-C (4) Mounting Brackets for PSIVLP401 Channel 10 TV Antenna	\$810.00	\$810.00
2	FT099339-D Tower Freight Estimate to Site (Off-Loading by Others) *Estimate only and subject to change at time of shipment	\$3,480.00	\$6,960.00
1	FT099339-E Anchor Freight Estimate to Site (Off-Loading by Others) *Estimate only and subject to change at time of shipment	\$870.00	\$870.00
Order Total			\$238,166.00

Additional Notes: We are pleased to provide the following quotation. *** Allstate Tower, Inc. reserves the right to correct errors and omissions on this quote. *** All prices are F.O.B. factory and subject to revision 15 days from date of quotation. *** Price includes loading steel on flatbed trailer for domestic shipping. Price will be adjusted if palletizing is required for international/container shipping.

Signature: [Signature]

Date of Acceptance: 5/12/2022

Printed Name: Marion Doug HERN

Title: Project Consultant

By accepting the proposal you are agreeing to the terms and conditions included within. Payments made by credit card may be subject to a processing fee of 3%.

Interest may be applied to payments not received in accordance to payment terms.

[Signature]

Michael Karr

5/12/2022

owner WVUX



Michael Karr <michaelfkarr@gmail.com>

Project: WVUX Tower Enviro - File Transfer - WVUX tower Phase I ESA report

5 messages

Teresa Schuller <Teresa.Schuller@meadhunt.com>

Wed, Jun 1, 2022 at 2:24 PM

Reply-To: Teresa.Schuller@meadhunt.com

To: michaelfkarr@gmail.com

Project: 4666465-221093.01 **WVUX Tower Enviro**Notification about File Transfer **WVUX tower Phase I ESA report****Remarks**

Hello -

Attached is the Phase I ESA report for the proposed WVUX site. The NEPA work is underway with archaeology fieldwork scheduled for next week. I'll keep you posted on our progress. Please download this report. Thanks.

[Download all files](#)**File Transfer Info**To: Michael Karr (WVUX); JDScragg@yahoo.com

CC:

Purpose: For your use

Expiration Date: 6/30/2022

Transferred Files

Transmittal - 00001.pdf	6/1/2022	1:23 PM	69 KB
WVUX tower Phase I ESA report.pdf	6/1/2022	1:18 PM	18,560 KB

Additional Links**Reply to All**

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Michael Karr <michaelfkarr@gmail.com>

WVUX tower tasks completed invoices - July

1 message

Teresa Schuller <Teresa.Schuller@meadhunt.com>

Wed, Jul 13, 2022 at 10:18 AM

To: "Jennifer D. Scragg" <jdscragg@yahoo.com>, Michael Karr <michaelfkarr@gmail.com>

Cc: Curtis Paxton <Curtis.Paxton@meadhunt.com>

Hello Jennifer –

Please see the attached invoice for additional environmental tasks completed to date for the WVUX tower site. We should be hearing from SHPO before the end of July and then it's just a few tribes to respond before the NEPA can be completed. The FAA and ASR filings are also in process with the federal agencies. Let us know if questions. Thanks.

TERESA SCHULLER, LRS

SR. ENVIRONMENTAL PROJECT MANAGER, TELECOMMUNICATIONS

Mead & Hunt

Direct: 681-313-4617 | Transfer Files

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**Invoice Project R4666465-221093.01 0334382_20220712101039.pdf**

277K



July 20, 2022

Mr. Curtis Paxton
Mead & Hunt
400 Tracy Way, Suite 200
Charleston, West Virginia 25311

Subject: Foundation Investigation
WVUX Tower
Harrison County, West Virginia
NGE Project No. W22093

Dear Mr. Paxton:

In accordance with your request, we have performed a foundation investigation for the proposed WVUX Tower in Harrison County, West Virginia. Authorization to perform this investigation was provided verbally by you.

This report presents the results of the field investigation performed to determine the subsurface conditions as well as our conclusions and recommendations concerning the tower foundation.

We appreciate the opportunity to work with you on this project. Please contact us if you have any questions concerning the information provided in this report.

Respectfully submitted,
NGE, LLC

A handwritten signature in black ink, appearing to read 'Noah Stevens'.

Noah Stevens, P.E.
Project Engineer



A handwritten signature in black ink, appearing to read 'John E. Nottingham'.

John E. Nottingham, P.E.
Principal Engineer