



Federal Communications Commission
Washington, D.C. 20554

July 28, 2022

Sent via Certified Mail and Electronic Mail

State of Alaska
Dave Donley
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Anchorage, AK 99501
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State of Alaska
City of Kiana
City of Selawik
Village of Tatitlek
Sula TV Booster Club
5900 E. Tudor Road
Anchorage, AK 99507
JOHN_LYNN@ADMIN.STATE.AK.US

Re: Requests for Extension of
Construction Permit

Dear Licensee/Permittee,

This concerns the requests for extension of the Stations' construction permits (Requests) listed in the attached Appendix (collectively Stations).¹ We are unable to process the Requests without additional information. Therefore, please provide in the a form of an amendment to each Request the following information:

1. The exact or approximate date that each Station ceased analog operations.
2. A detailed accounting of all steps taken to complete construction of each Station since the filing of the Requests, including dates for each action and supporting documentation.

¹ The expiration date of the Stations' construction permits was July 13, 2021. We note that even if the necessary information is provided, under section 74.788(c)(3) of the Commission's rules (Rules) we are only able to extend the Stations' construction permits through January 10, 2022, a date that has already passed.¹ Additional time to construct TV Translator facilities beyond that date are subject to the Commission's tolling provisions of 47 CFR § 73.3598(b). If a station does not qualify for tolling under these criteria, good cause may exist to waive the Commission's tolling provisions. *See 1998 Biennial Regulatory Review -- Streamlining of Mass Media Applications, Rules, and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17542, para. 42 (1999) (*Streamlining MO&O*) (recognizing that there may be "rare and exceptional circumstances" beyond the control of the licensee that do not fall under the tolling provisions, but which would warrant the tolling of construction time. The Commission concluded that in such "limited circumstances," it would entertain requests for waiver of its "strict tolling provisions"); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972); 47 CFR § 1.3 (waiver for good cause shown). Therefore, any amendment to a Station's extension must also include a request for tolling. Certain stations listed in the Appendix have amended their extension request to request tolling, but those requests still lack the information requested in this letter.

3. A detailed accounting of what construction remains and a timeline plan for completing construction and beginning operations for each Station.

We also remind you that section 312(g) of the Communications Act of 1934, as amended (the Act) provides that “[i]f a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license...for any reason to promote equity and fairness.”² The Bureau’s discretion under the equity and fairness provision of section 312(g) is severely limited.³ To extent a Station has not transmitted a signal for a consecutive 12-month period you must include with your amended Request a request for reinstatement and extension of the Station’s license.

Failure to submit this information for a Station **WITHIN 15 DAYS** of the date of this letter **WILL RESULT IN DISMISSAL** of the Requests.⁴ Furthermore, for any Station whose Request is dismissed, pursuant to 47 CFR §§ 74.788(b) and 74.731(m), the construction permit and license for the Station will be deemed **AUTOMATICALLY FORFEITED/CANCELED** and the call sign for the Station **WILL BE DELETED**.

For questions or additional information on this matter, please contact Evan Morris, Media Bureau at 202-418-1656 or Evan.Morris@fcc.gov.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail):
Ed Ulman
Robert Wyatt
Margaret Miller, Esq.

² 47 U.S.C. § 312(g).

³ See e.g. *A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 617, para. 27 (2008) (“This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited”) (*A-O Broad. Corp.*). The Commission has exercised its authority to reinstate an expired license to “promote equity and fairness” only where the station failed to provide service for 12 consecutive months due to compelling reasons beyond the licensee’s control. See, e.g., *V.I. Stereo Communications Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 14259 (2006); *Community Bible Church*, Letter, 23 FCC Rcd 15012, 15014 (MB 2008); *Mark Chapman, Court-Appointed Agent*, Letter, 22 FCC Rcd 6578 (MB 2007). The Commission has declined to reinstate licenses where the failure to transmit a broadcast signal was due to the licensee’s own actions, finances, and/or business judgment See, e.g., *A-O Broad.*, 23 FCC Rcd at 617, para. 27; *ETC Communications, Inc.*, Letter, 25 FCC Rcd 10686 (MB 2010); *Kirby Young*, Letter, 23 FCC Rcd 35 (MB 2008).

⁴ 47 CFR § 73.3568(a) (dismissal for failure to prosecute).

Appendix

Fac ID	Call Sign	City	State	Licensee
11543	K02JU	SELAWIK	AK	CITY OF SELAWIK
62484	K12NP	ATMAUTLUAK	AK	STATE OF AKLASKA
62493	K02KK	CANTWELL	AK	STATE OF ALASKA
62517	K04IR	WAINWRIGHT	AK	STATE OF ALASKA
62528	K07SP	TETLIN	AK	STATE OF ALASKA
62560	K13SZ	COFFMAN COVE	AK	STATE OF ALASKA
62615	K11RG	GAKONA	AK	STATE OF ALASKA
62618	K09QZ	KIVALINA	AK	STATE OF ALASKA
62676	K09QY	KAKTOVIK	AK	STATE OF ALASKA
62735	K04MW	PITKAS POINT	AK	STATE OF ALASKA
62745	K09RH	AKUTAN	AK	STATE OF ALASKA
62773	K07RE	ANVIK	AK	STATE OF ALASKA
62776	K07TT	LEVELOCK	AK	STATE OF ALASKA
62815	K07QW	KOLIGANEK	AK	STATE OF ALASKA
62829	K09UD	AKHIOK	AK	STATE OF ALASKA
62853	K09RZ	SHISHMAREF	AK	STATE OF ALASKA
62946	K09OR	CORDOVA	AK	STATE OF ALASKA
62947	K07SQ	MENTASTA LAKE	AK	STATE OF ALASKA
62570	K05HA	GLENNALLEN, ETC.	AK	SULA TV BOOSTER CLUB (State of Alaska)
11480	K04IG	KIANA	AK	CITY OF KIANA (State of Alaska)
62516	K12MO	COPPER CENTER	AK	STATE OF ALASKA
62571	K09SW	TANUNAK	AK	STATE OF ALASKA

Fac ID	Call Sign	City	State	Licensee
62591	K11KR	RIFLE	AK	STATE OF ALASKA
62626	K04MQ	PAXSON	AK	STATE OF ALASKA
62639	K03GK	MCKINLEY PARK	AK	STATE OF ALASKA
62667	K11SB	RUSSIAN MISSION	AK	STATE OF ALASKA
62679	K08KM	SHEEP MOUNTAIN	AK	STATE OF ALASKA
62727	K11RA	KLAWOCK	AK	STATE OF ALASKA
62730	K13VV	CHENEGA	AK	STATE OF ALASKA
62736	K04MK	CHEFORNAK	AK	STATE OF ALASKA
62790	K04MV	POINT BAKER	AK	STATE OF ALASKA
62845	K09QN	POINT HOPE	AK	STATE OF ALASKA
62859	K03GO	CIRCLE HOT SPRINGS	AK	STATE OF ALASKA
62863	K09TZ	ATQASUK	AK	STATE OF ALASKA
62917	K31AG	ENGLISH BAY	AK	STATE OF ALASKA
62929	K07SI	WHALES PASS	AK	STATE OF ALASKA
70223	K09NE	TATITLEK	AK	VILLAGE OF TATITLEK (State of Alaska)