

**Request for Limited Extension of Deadline to Submit Invoices for Reimbursement
from TV Broadcaster Relocation Fund**

Edge Spectrum, Inc. ("Licensee"), licensee of low power television station K38IM/K34PZ-D Facility ID 40743 (the "Station") hereby requests a limited extension of the deadline to submit invoices for reimbursement from the TV Broadcaster Relocation Fund from September 6, 2022 to January 17, 2023. Good cause exists to extend the Station's reimbursement deadline because Licensee has been unable to complete construction of the Station's post-Incentive Auction facilities for reasons beyond its control.

In its prior tolling requests, Licensee detailed three issues outside of its control that contributed to its inability to complete construction of the Station: (1) "transmitter and antenna supply issues"; (2) "challenges finding skilled installers"; and (3) having to "change the location for most of the transmitter sites for [its] digital facilities." Licensee explained that it had done everything within its control "to complete construction as soon as possible once ESI completes its testing of the newly received transmitters, obtains the proper filters, finalizes the engineering, and schedules the installers."

In the period since Licensee last requested tolling, all of the equipment availability issues have been resolved, and the equipment needed to construct the Station has either been delivered to the transmission site or is ready for delivery at the Licensee's request. Moreover, as detailed in the attached letter from Marc S. Dunham, President of Kathrein Broadcast USA, Inc. ("Kathrein"), Licensee, has engaged Kathrein not only to build out the stations, but also to actively project manage the builds alongside American Tower Corp. ("ATC"). Thus, all that is left is to obtain the necessary approvals and complete construction.

Unfortunately, Licensee has continued to face delays resulting from leasing and permitting. A summary of the Licensee's extensive efforts to obtain the necessary authorizations to complete construction of the Station's facilities is provided below and supported by the attached email from ATC:

- February 5, 2020 – ARK provides ATC with a station list to identify ATC assets to house ARK stations
- February 5, 2020 – ATC provides initial scrub of ATC assets within 10 miles of ARK assets
- March 4, 2020 – Crown Castle provides term sheet for master lease agreement
- March 25, 2020 – ARK provides Crown Castle with list of stations needing tower sites
- May 4, 2020 – ARK receives third party site survey of tower site
- October 2, 2020 – ARK places order for antenna from Dielectric for original tower
- December 31, 2020 – ARK places order for transmitter from Hitachi Comark with sales order S010726
- March 30, 2021 – Transmitter ready for ship
- May 5, 2021 – Crown Castle provides initial locations for ARK managed stations
- May 6, 2021 – ATC provides strategic collocation agreement for consideration
- May 20, 2021 – ARK enters into fully executed term sheet for MLA with Crown Castle
- May 28, 2021 – Crown Castle provides updated list of locations with available RADs
- July 21, 2021 – After engineering needs more info, Crown Castle provides a more complete list of locations

- August 20, 2021 – Crown Castle informs ARK that Crown Castle does not intend to proceed with master lease agreement
- August 27, 2021 – Antenna ready for ship
- October 7, 2021 – ARK begins deploying installers on ATC assets prior to fully executed agreement
- October 29, 2021 – ARK receives fully executed SCA from ATC
- January 22, 2022 – ARK receives fully executed amendment to install this station
- July 5, 2022 – Additional amendment application approved by ATC after ATC had issues with some of the equipment RAD heights
- July 7, 2022 – Passing structural engineering completed with engineering letter
- July 11, 2022 – ATC begins working towards building permit
- August 25, 2022 – Site sketch provided to ARK by ATC
- September 2, 2022 – ARK provided with amendment contract
- Current ATC project number is OAA775843

Between October of 2021 and June of 2022, ESI participated in weekly meetings with ATC (and recently Kathrein) to discuss construction efforts, including for this asset. That information helped ESI to work with a third-party engineering firm to move amendments through the ATC online portal with the hired services of ATC to do so. ATC is continuing its efforts to expedite the project completion.

As explained in the attached letter from Mr. Dunham, the remaining steps include:

- Structural engineering (2-4 weeks)
- Local zoning and permitting (2-4 weeks)
- Building structure brought in (60-90 days)
- Tower and rigging plan provided (1 week)
- Possible electric work (1-2 weeks)
- ATC process to issue NTB (2-4 days)

Based on this timeline, Kathrein has scheduled the final installation for a window between February 2023 and April 2023.

Because Licensee, due to circumstances beyond its control, has not been able to complete its repack-related work and finalize its invoices for submission, the FCC should shift the Station's reimbursement deadline. In a June 8, 2022 Public Notice, the Incentive Auction Task Force and the Media Bureau indicated that they will consider "a limited extension" of a station's reimbursement deadline where an entity faces circumstances beyond its control.¹ Whereas the Commission previously would shift the entity seeking an extension to another deadline, because this is the last deadline the Public Notice indicated that the Task Force and the Bureau will consider whether the extension will "provide the staff with sufficient processing time to complete close-out procedures for all stations."

Here, as explained above, the delay is wholly outside Licensee's control. Licensee will submit its invoices and close out the Form 399 for the Station as soon as possible, and well before the deadline for

¹ See *Incentive Auction Task Force and Media Bureau Remind Reimbursement Program Participants That the Third and Final Filing Deadline Approaches in 90 Days*, MB Dkt. No. 16-306, GN Dkt. No. 12-268, DA 22-619 (rel. June 8, 2022).

the Commission to complete its close-out procedures for all stations. In furtherance of this commitment, Licensee will attempt to expedite as many costs as possible for submission prior to the requested deadline and will commit not to seek any further extensions of the invoice submission deadline and accept that any costs not submitted before the requested deadline will not be reimbursed.

Applying the September 6, 2022 invoice submission deadline to the Station under these circumstances is not in the public interest. Given the harm to Licensee of enforcing a deadline that does not account for the Station's circumstances, it would be unreasonable and inconsistent with Congress's charge for the FCC to reimburse costs "reasonably incurred" by a low power television station as a result of the repack² to require Licensee to submit all invoices for the Station before September 6, 2022. Because Licensee has submitted all other expenses for the Station, the requested extension should not result in any significant disruption to the Commission's ability to complete the reimbursement process.

² See 47 U.S.C. § 1452(k)(1).

KATHREIN

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October 10, 2022

Federal Communications Commission
Marlene Dortch, Secretary
45 L Street NE
Washington, DC 20554

Subject: ESI Installation Albuquerque

Dear Ms. Dortch,

This letter is to confirm that Edge Spectrum, Inc. (“ESI”) has contracted Kathrein Broadcast USA, Inc (“KBU”) to conduct Tower Services on several low power television assets licensed to ESI. KBU currently has 3 crews who provide Tower Services throughout the United States and are uniquely capable of helping build out the ESI portfolio due to our specialized training and skills in Broadcast (Tall Tower) Services work. These crews are led by Forepersons with 20+ years of experience in Broadcast Services with an acute awareness of many of the American Tower Corporation (“ATC”) tower assets, gained through the years performing work on ATC tower assets. As a result, ESI and KBU determined that partnering together would be the most expeditious path to getting the ESI stations built and serving the public.

KBU began engaging with ESI with both in-person and remote meetings dating back to October of 2018 and countless subsequent emails, phone calls, and meetings ever since. ESI took an additional step early this year to add KBU to ESI’s corporate account within the ATC website portal, On Air Access to enable KBU to project manage the builds. This has allowed KBU to further support ESI to expedite the process of moving the stations through the various stages of the project planning requirements. Earlier this year, ESI also added KBU to a standing weekly conference call between ESI and ATC, again, as a benefit to expedite the process. This has resulted in KBU being directly involved in the planning process as ESI has worked with ATC to tackle various challenges, as they have arisen, with RAD heights, building needs, structural discussions, and overall project management to the point that KBU has had countless meetings with ATC on behalf of ESI to continue progressing projects forward to Notice to Proceed.

Traditionally, unless KBU is directly managing the NTP process and has foresight into progress made, KBU does not schedule a tower crew for a specific job until the customer has completed the necessary application, zoning, permitting, and obtained the proper Notice to Proceed from the tower owner. KBU has, however, made an exception in the case of ESI to tentatively forward plan

the schedule of tower crews for installation work based on the involvement and visibility that KBU has into the project.

The broadcast asset K38IM Facility ID 40743 is a well know HIGH profile remote tower farm with many tenants and a HIGH degree of coordination required due to a saturation of RF that serves the Albuquerque, NM market. It is tentatively on the KBU tower installation schedule for the window between March 2023 and May 2023 due to the extensive coordination and permitting requirements. These date projections are based on our experience with ATC and takes into consideration weather conditions and crew availability. Due to the coordination efforts remaining and the expected snow and ice to affecting this location, it is not something that can be guaranteed. We have come to this conclusion based on the remaining steps needed before NTP will be issued. These steps include the following:

- Local zoning and permitting (4-6 weeks)
- Possible electric work that will be required (2 weeks)
- Tower and rigging plan provided (1 week)
- ATC process to issue NTB (2-4 days)
- RF considerations due to the high occupancy of RF station in operation
- Weather considerations due to snowfall (there is a ski operation nearby)

We remain committed to helping ESI to complete these site expeditiously and look forward to serving you as we build out these LPTV stations.

Best regards,

A handwritten signature in black ink, appearing to read "Marc S. Dunham", with a stylized flourish at the end.

Marc S. Dunham

President & Managing Director
Kathrein Broadcast USA, Inc