

## REQUEST FOR TOLLING RELIEF OR WAIVER OF SECTION 73.3598 OF THE COMMISSION'S RULES.

Jackson Hole Television, Inc. ("JHTV"), the Permittee of Digital Low-Power Television Station K24OE-D, Jackson, Teton County, Wyoming (the "Station") (Facility ID: 183688), which is the displacement channel construction permit in LMS No. 0000099531, hereby requests that Section 73.3598(b) of the Commission's Rules, with respect to the expiration of the Station's construction permit, be tolled or, in the alternative, waived for the extension of time.

JHTV was granted a displacement channel one month before the pandemic on January 23, 2020. However, isolation and covid deterred the ability to obtain offices, staff, and engineers for this rural market of Jackson, Teton County, Wyoming.

JHTV is the only Construction Permit for new service in the underserved remote rural market, with the nearest broadcaster seventy-eight (78) miles away in Idaho Falls, Idaho. The Pocatello/ Idaho Falls DMA is large and includes Jackson, Teton County, Wyoming. Still, the services are limited, with **no full power or LPTV TV licenses** located in Jackson, Teton County, Wyoming, to provide essential services and vital roles for EAS, weather, road conditions, information, and news to both the English and Hispanic-speaking community. In addition, Jackson, Teton County, Wyoming, has a Hispanic population of more than thirty percent (30%) that provides the local community employment, infrastructure services, and businesses with much-needed help and support.

JHTV signed an Asset Purchase Agreement on September 2, 2022, for the permit assignment and filed the application (LMS No. 0000201001), which was granted on November 9, 2022.

JHTV ("Seller") is Hispanic owned, and International Spanish Network, L.L.C. ("Buyer") is a Hispanic and women-owned small business (an eligible entity under Section 73.3598 (a)) serving the public interest with diversity in LPTV ownership and operations. Therefore, even assuming that tolling or waiver is not appropriate, JHTV believes a waiver of Section 73.3598(a) is applicable.

The Buyer and Seller have worked together and made significant progress in the construction of the Station's channel facilities. Completed purchase of the required equipment, testing of the transmitter and delivery of the antenna, and the retention of a tower crew to perform the installation. We are still waiting for the mask filter to ship despite the manufacturer's representations. Given the magnitude of broadcasters, including mobile and internet, a mask filter is required to commence broadcasting.

Several attempts have been scheduled to install antennae and equipment at the tower site at Snow King Resort tower site in Jackson, Teton County, Wyoming. Still, early extreme weather and snow conditions have hampered the installation engineer's efforts.

On December 13, 2022, JHTV requested Minor Modifications LMS No. 0000205079 of the Construction Permit and was granted a modification in hopes of making installation of the Antenna and equipment more reasonably safer for the tower crew during the extreme weather conditions and unexpected repeated storms. Unfortunately, difficulties in scheduling tower crews in this rural America market and shipment of the required mask filter have delayed the completion. Still, the deadline for the current construction permit is February 25, 2022.

In light of these circumstances, the equitable treatment of the Buyer and Seller and the integrity of the Commission's Rules support either tolling or waiver in this instance. Further, the Commission should recognize that JHTV is ready, willing, and able to comply with the terms of its Permit in short order.

Accordingly, JHTV respectfully requests that the Commission either toll or waive section 73.3598(b) or grant 73.3598(a) with respect to the expiration of time for the Construction Permit within the Commission's Rules.

JHTV submits that the requested relief is in the public interest as it will enable JHTV or the Buyer to serve the underserved population of Jackson, Teton County, Wyoming, with the K24OE-D programming in both Spanish and English consistent with the community's needs.