

Request For Waiver/Extension of Tolling

The Guenter Marksteiner Revocable Trust (“Licensee”), licensee of WHDT-LD, Boston, Massachusetts, (Facility ID 59488) (“the Station”), hereby submits this request for waiver of the Commission’s tolling rules and seeks extension of the Station’s construction permit, to permit completion of construction of the Station’s repacked facilities.

As the licensee has previously advised the Commission, following the loss of the Station’s prior transmission site, the Licensee was able to secure space at its backup rooftop transmitter and antenna site to house the station’s permanent antenna and transmitter as well. The Licensee anticipated completing the construction by December 4, 2023, however, it has encountered a slight delay and seeks a short additional period of time to complete the construction.

The Licensee has made considerable progress towards construction. The Station’s antenna has been removed from storage, assembled and tested. The landlord has requested that the antenna be painted to match the building prior to mounting on the rooftop. The antenna is being painted and the paint baked to withstand the elements. It will be returned in the coming week. The rigging crew is standing by awaiting the return of the antenna to install it.

In addition, although the cabling that the Licensee is running from the transmitter inside the building to the antenna on the rooftop is not carrying electrical current, the Fire Marshall has directed that a new, dedicated conduit hole be drilled through the building’s core to run the Station’s transmission line. This work is currently being bid for a union contract. It is expected that the work can be completed in the coming week or week after.

These delays are slight and out of the control of the Licensee. However, as the Commission is aware, the Licensee has relied on Mr. Marksteiner’s engineering abilities throughout the construction of the Station. He unexpectedly had to leave the work site and return to Florida for medical treatment. A letter from his doctor attesting to the fact that he lost most of the month of November to the treatment. In addition, it is anticipated that Mr. Marksteiner will require additional treatment throughout the month of December. Accordingly, while the above matters will be attended to by his vendors with his direction from Florida, Mr. Marksteiner may be unable to return to the site until the beginning of January to complete the final steps of the transmitter installation that require his engineering abilities.

In light of this development, in an abundance of caution, the Licensee requests an extension through February 12, 2024. Tolling is appropriate here because the inability to complete construction is due to rare and exceptional circumstances beyond the Licensee’s control and supported by substantial construction.