Supplemental Request for Further Tolling and Extension of Silent STA and Authority to Remain Silent

Edge Spectrum, Inc. ("Licensee"), licensee and permittee of KHTX-LD Facility ID 168805 serving Huntsville, TX (the "Station"), hereby requests further tolling of the Station's displacement construction permit (LMS File No. 0000195652(the "CP"), an extension of the Station's authority to remain silent, and a waiver of the deadline by which the Station must return to the air or forfeit its license pursuant to Section 312(g) of the Communications Act of 1934, as amended. As described herein, Licensee has been working diligently to complete construction of the Station's displacement facilities. Nevertheless, as described herein, Licensee has encountered circumstances beyond its control that have precluded it from completing construction.

The Station was displaced as a result of the post incentive auction repack. Licensee has experienced two primary delays in its efforts to complete construction of the Station's displacement facilities: (1) difficulty obtaining all of the necessary equipment resulting from a combination of manufacturer delays and supply chain disruptions, which Licensee has detailed in prior submissions; and (2) issues with site availability and permitting. 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. Thus, all that is left is to obtain the necessary approvals and complete construction.

ARK Multicasting ("ARK"), on behalf of Licensee, has been working with Everest Infrastructure Partners ("EIP") to progress this build through to completion. However, Licensee has continued to face delays resulting from leasing and permitting. After providing mount analysis on September 9, 2022 to EIP, EIP conducted an physical audit of existing tower installations. The structural analysis was ordered on November 10, 2022. On December 15, 2022, the structural engineer had questions regarding mounts which were answered promptly. EIP requested some modifications to the colocation amendment on January 30, 2023. ARK was informed on May 16, 2023 that the tower failed structural engineering because of abandoned equipment which EIP was informing tenants to remove. On August 15, 2023, EIP provided an audit checklist to ARK and EIP confirmed they had everything they needed on August 24, 2023. On August 30, 2023, EIP informed that there is one antenna on the tower which they have confusion on and which is causing us to be unable to move forward. On November 28, 2023, EIP notified us that in addition to the removal of abandoned equipment, a tower modification was going to be required to make the tower pass structural engineering. On February 14, 2024, EIP notified us that we would be able to proceed with the installation by providing a temporary load letter. That letter was ordered and paid for on February 15, 2024.

Under the present circumstances, a further waiver of tolling and extension of the CP is justified. The Commission's tolling provisions provide that a construction permit deadline may be tolled under specific circumstances such as acts of God, delays due to administrative or judicial review, or construction that is delayed by any cause of action pending before a court of competent jurisdiction relating to any necessary local, state, or federal requirement for the construction or operation of the station, including any zoning or environmental requirement.[1] If a station does not qualify for tolling under these criteria, good cause may exist to waive the Commission's tolling provisions and still toll the

[1] 47 C.F.R. § 73.3598.