



**Federal Communications Commission
Washington, D.C. 20554**

November 4, 2020

In reply refer to: 1800B3-VM

SENT VIA EMAIL to doconnor@wbklaw.com

David A. O'Connor, Esq.
Wilkinson Barker Knauer, LLP
1800 M Street, N.W.
Suite 800N
Washington, DC 20036

In Re: **K235BP, Bemidji, MN**
Facility ID No. 152419
File No. BPFT-20161027ACT

Dear Mr. O'Connor:

On November 2, 2020, we received your request on behalf of HBI Radio Bemidji, LLC (HRB) for extension of tolling of the construction deadline for the construction permit for FM Translator K235BP, Bemidji, Minnesota (Station), granted on January 12, 2018 for a three-year term expiring on January 12, 2021. On May 11, 2020, we granted tolling for six months, which will expire on November 11, 2020. As is explained below, HRB's request for extension of tolling is denied.

HRB requests an extension of tolling based on the COVID-19 restrictions in Minnesota. HRB claims that the ongoing restriction of movement caused by the COVID-19 pandemic is continuing to force HRB to delay the modification of its facilities. It states that Minnesota is currently in Phase 3 of its lockdown procedures, meaning that non-critical workers must continue to telework if they can, with mandatory six-foot distancing. HRB argues that these restrictions have made construction of the facilities infeasible because engineering and tower contractors to construct these new facilities are difficult to schedule, and it remains reluctant to commit employees to this modification during the current crisis. Finally, HRB notes that on October 12, 2020, the Governor of Minnesota issued an Executive Order extending the COVID-19 peacetime emergency until at least November 12, 2020.

We deny HRB's COVID-19 tolling request for the following reasons. First, we note radio stations are essential services and are not subject to the restrictions in the Minnesota Executive Order cited in the tolling request. Second, HRB does not provide any evidence that it has attempted to construct the Station. In order to receive more time, HRB's request should have included documentation demonstrating the specific steps it had taken to commence construction and how COVID-19 had impacted those efforts. For example, HRB could have provided (i) evidence that equipment was ordered on time but had been delayed due to shipment constraints or supply chain issues; (ii) correspondence from tower crews indicating that they were scheduled to install equipment but did not have the crew to send; (iii) invoices demonstrating expenditures to further construction; or (iv) leases for the tower site. HRB has offered no such evidence or any similar evidence of an attempt to construct.

Accordingly, tolling has ended, and the new CP expiration date is August 11, 2021.

Sincerely,

Albert Shuldiner

Albert Shuldiner
Chief, Audio Division
Media Bureau