

## Exhibit 12 – Extraordinary Circumstances

World Radio Network, Inc. (“World Radio”), licensee of FM translator station K235CI, Donna, Texas, herein seeks a technical STA to resume operations with temporary facilities as set forth herein and as a translator for co-owned primary station KVMV.<sup>1</sup> This STA is being sought because, as is reflected in the Commission’s records, K235CI was forced off the air as of June 9, 2020, due to the toppling of the transmission tower which it shared with co-owned K206BP, Weslaco, Texas. K235CI has not been able to resume service in the interim because World Radio has, until recently, been unable to find another tower or other facilities from which it could resume service. In light of the fact that the K235CI has been silent for just over a year, World Radio is seeking a reinstatement or extension of the station’s licenses due to matters beyond its control and in order to promote fairness and equity.

The controlling statutory provision, Section 312(g) of the Communications Act of 1934, as amended (47 U.S.C. §312(g)), provides that a station’s license will expire if the station is off the air for more than twelve months, “except that the Commission may extend or reinstate such station license ... for any ... reason to promote equity and fairness.” Section 73.1740(c) of the Commission’s Rules has implemented this provision. The Commission has, in the past, waived Section 73.1740(c) in accordance with Section 312(g) when circumstances beyond the licensee’s control have prevented the licensee from resuming operation within twelve months, and World Radio further notes the statutory provision for such extensions in order to promote equity and fairness. World Radio submits that the inability to locate a suitable tower from which to restore the operation of K235CI was, in fact, due to reasons beyond its control, and that extension or reinstatement of the K235CI license is necessary in order to promote equity and fairness for both itself and, most importantly, its listeners.

As background, World Radio is the licensee of a bilingual English-Spanish network of fourteen non-commercial educational (“NCE”) full-power stations and fourteen FM translators, which together serve most of the US-Mexican Border population from locations in Texas, New Mexico, and Arizona. World Radio’s headquarters are located in McAllen/Pharr in south Texas, which at this time is and has been a uniquely distressed community in the United States due to the massive influx of illegal immigrants in the border area. World Radio’s stations have been providing vital service to both long-time and newly arrived residents of the area. The area is one with limited radio service, especially from full-power radio stations, and relies heavily upon service from FM translators and LPFM stations.

During the first part of 2020, World Radio was operating a small group of FM stations and translators in the southern Texas area. KVMV(FM) is an English-language NCE station

---

<sup>1</sup> KBNR is currently listed in the Commission’s database as the primary station for K235CI.

licensed to McAllen, Texas, which was being rebroadcast on FM translator station K206BP. KBNR(FM) is a Spanish-language NCE station licensed to Brownsville, Texas, which was being rebroadcast on FM translator K235CI, Donna, Texas, which in turn was rebroadcast on FM translator station K248AM, McAllen, Texas. K206BP and K235CI operated from the same rented tower and used a shared antenna.

In early 2020, a World Radio engineer observed that this shared tower had developed a frayed upper guy, which rendered the tower unsafe to climb. It could not be ascertained whether this problem was due to a lightning strike or corrosion, but the problem was reported back to the tower owner immediately. In early April of 2020, after investigating the matter, the tower owner reported to World Radio that, due to the COVID-19 pandemic, it had been unable to obtain the services of a tower crew to make any repairs to the tower, and that the tower would need to be dismantled due to the safety issues. World Radio immediately began looking for a new tower on which to mount its antenna. Because of the lack of the tower's structural integrity, it was not possible for World Radio to climb the tower to retrieve its antenna, and the availability of anyone to do such work at that time was extremely limited due to the pandemic, in any event.

Despite the inability to retrieve the antennas at that time, due to the ongoing safety issues which could have led to an unplanned and potentially disastrous tower collapse, on June 9, 2020, the tower landlord had the tower taken down, and, as a result, both K206BP and K235CI were forced off the air. Likewise, K248AM was forced to go silent because it no longer could receive the signal of KBNR, which had been relayed by K235CI. World Radio then intensified its search for a new tower location and filed requests for K206BP, K235CI, and K248AM to remain silent on June 19, 2020. In the meantime, on June 10, 2020, the day after the tower toppled, World Radio had identified a potential new tower location, and it sought to obtain the agreement of the tower owner to allow it to operate from that tower. Shortly thereafter, on September 1, 2020, World Radio ordered replacement antennas for K206BP and K235CI from LBG Marketing at a cost of \$3,618.31.

As might be expected, however, the process of communicating with the tower owner to reach an agreement as to use of the tower was considerably slowed by the complications due to the COVID-19 pandemic. On September 23, 2020, an agreement that would allow use of the tower, pending engineering studies, was reached. World Radio's engineering consultant, Bob Moore, then was contacted and, in October 2020, began engineering studies for applications for modification of the translators' licenses to specify operation at the new site, but he found that information regarding Mexican stations for which interference protection was required was no longer in the Commission's database. E-mail correspondence among Mr. Moore, Doug

Vernier of VSoft Communications, World Radio's legal counsel, and Commission staff then followed.

Mr. Moore was aware that K206BP had been receiving interference from co-channel Mexican station XHCAO, Reynosa, Mexico, but information about that station is missing from the database. Furthermore, other stations, such as XHCGO, Ciudad Camargo, Mexico, and XHRT, Reynosa, Mexico, are also missing from the database. The latter two stations, while not on the same channel as or an adjacent channel to K206BP's current channel, would create limitations to any proposal to change channels for K206BP. Further, XHRT is on a second adjacent channel to K235CI, which would create limitations for that station. Mr. Moore was, however, unable to determine the exact parameters of those limitations due to problems with the database. These issues created delays in the restoration of service as World Radio struggled to comply with the FCC rules but could not ascertain proper placement of the translators' facilities in relation to Mexican signals. Clearly, the inability to obtain this information was a matter beyond World Radio's control.

World Radio continued to look for new tower space and to attempt to complete engineering studies which would establish that a facility could be built in compliance with Commission rules and treaty requirements. One tower that World Radio considered was ultimately rejected when it found that despite the fact that the tower was of a height to require registration and lighting, it was then neither registered nor lit. The lack of reliable information regarding Mexican stations continued to be a source of frustration, particularly as Mr. Moore was aware that the translators' potential power levels were limited by stations just across the border in Mexico, but he could not obtain reliable information that would enable him to work around those stations and determine what rule-compliant modifications would be the best to pursue.

A further unfortunate wrinkle was added to the situation by the fact that, at the time that extensions of the translators' authorizations to remain silent were granted on February 26, 2021, World Radio personnel mistakenly believed that this grant meant that they had another six months in which to restore operation, and that the deadline for resumption of service was thus August 26, 2021. This misunderstanding persisted until recently and resulted in World Radio's working diligently to meet an incorrect deadline. While World Radio acknowledges that its understanding was not correct, the fact that it has struggled to restore operation before the deadline which it believed to be applicable, and has now filed an STA request to make that restoration possible, demonstrates that World Radio was not flaunting or simply ignoring the deadline, but rather was doing its level best to meet the deadline that it believed to be applicable. But for the one error, World Radio would have had an earlier target date.

Moreover, World Radio's fruitless struggles to obtain the information necessary to demonstrate no interference to Mexican stations further demonstrates World Radio's scrupulous attention to Commission rules and treaty obligations.

As time elapsed, and after failing to find a new tower location that World Radio could be confident would allow the translators to provide satisfactory service in accordance with the Commission's rules and the U.S.-Mexico treaty, World Radio determined that it would return to the site of its former tower and erect an approximately 40-foot pole on which transmitting antennas for the Weslaco and Donna translators could be mounted. It also determined that the K206BP, Weslaco, channel should be changed in order to eliminate the prior interference that the translator had been experiencing.

Further complicating the arduous process of attempting to restore service, World Radio has been faced with number of other impediments beyond its control. These have included the initial inability to secure workers during a period of pandemic lockdown, the ongoing disruptions of supply chains and labor due to the crisis on the US/Mexico border, the inability to formulate plans to construct or rent a new location for a tower because data was not available for the nearby Mexican stations.

World Radio has provided an established service to the border region with these three translators since 1997. In an area with only limited broadcast radio service, the residents have come to depend upon this service. This area is now flooded with migrants who face many issues, including high rates of COVID-19 illness, worries about their immigration status, concerns about family members and the like. In the meantime, established local residents are facing their own turmoil, greatly increased demands on local services, a suddenly increased population, and questions of how to deal with the issues accompanying this sudden growth. At such a time, the need for service from broadcast radio stations is especially critical in order to provide information, discuss issues of concern, and offer uplifting programming for those in desperate need. World Radio is eager to restore service to this needy community along the US/Mexico border. Fairness and equity to the listeners there demands that World Radio be allowed to resume service with its translators. A decision otherwise due to an honest mistake and circumstances beyond World Radio's control would be contrary not simply to World Radio's interest but the public interest.