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October 21, 2016

Accepted / Filed

VIA HAND DELIVERY

OCT 21 2016

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554
Attn: Chief, Video Division, Media Bureau

Federal Communications Commission
Office of the Secretary

Re: Status Report and Request for Continued Tolling
WWLV(FM), Lexington, NC
Facility ID No. 15839
Educational Media Foundation
File No. BPH-20131212AII

Dear Ms. Dortch:

Educational Media Foundation ("EMF") is the holder of a construction permit ("Permit") authorizing the construction of WWLV(FM), Lexington, North Carolina ("WWLV"), by its attorneys, hereby provides the Commission a status report and requests that the Commission continue to toll the construction period for WWLV's construction permit File No. BPZH-20131212AII (the "WWLV CP"). EMF requested and received tolling of the construction period for the WWLV CP as it is encumbered by conditions that have not yet been met.¹ Specifically, the hearing on the special use permit for the tower in the General Court of Justice, Superior Court Division, Iredell County, North Carolina took place on March 2, 2015 and EMF did not agree with the outcome. As a result, EMF filed a Petitioner's Brief with the North Carolina Court of Appeals to appeal the earlier decision. That decision was reached, and EMF disagrees with that decision and as a result EMF filed an appeal with the North Carolina Supreme Court. That appeal remains pending and there is no certain timetable for a decision. As this issue remains outstanding, EMF continues to be unable to construct the WWLV CP. Accordingly, it is

¹ The construction period was tolled until October 23, 2016 by Email from Victoria McCauley, Audio Division, Media Bureau to counsel dated April 19, 2016 and is effective as of July 21, 2014; once tolling ends 2 years, 6 months and 2 days will remain on the permit.

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respectfully requested that the Commission extend tolling of the construction period for the WWLV CP.

Please let me know if there are any questions concerning this matter.

Respectfully submitted,



Mary N. O'Connor
Counsel for Educational Media Foundation

cc: Vicky McCauley (Via Email – Victoria.McCauley@fcc.gov)