



Federal Communications Commission
Washington, D.C. 20554

July 23, 2014

In reply refer to: 1800B3-VM

Mark N. Lipp, Esq.
Wiley Rein LLP
1776 K Street N.W.
Washington, DC 20006

In re: KRPI(AM), Ferndale, WA
Facility ID 21416
File No. BP-20090226AAF

Request for Waiver of Construction Deadline

Dear Mr. Lipp:

On July 9, 2014, we received your request on behalf of BBC Broadcasting, Inc. ("BBC"), for waiver of the construction deadline for a construction permit for Station KRPI(AM), Ferndale, Washington. On May 24, 2012, BBC was granted a construction permit to relocate its site from Ferndale, to Point Roberts, WA (File No. BP-20090226AAF) for a three year term, expiring May 24, 2015. In support of your request, you state that the local review process of the site has been delayed by unusually large public participation from local residents and Canadian citizens objecting to the site. The initial 120 day "shot clock" period set by the county to make its decision has long expired, and once a decision is made, you anticipate an appeal, which will further delay a final determination. You also claim that the site specified in the permit is unique and that no other site can be located to satisfy the terms of the permit, which include: 1) protecting the FCC's monitoring station in Ferndale; 2) reducing the population subject to blanketing interference; 3) being acceptable for permitting under the rules; 4) being a sufficient distance from the BC Hydro/BPA 500 kV Intertie transmission line; and 5) having sufficient land area for construction of five towers and ground system.

Although tolling is not specifically applicable to the circumstances of this case, we will grant a waiver of the construction deadline based on "rare and exceptional circumstances beyond the permittee's control."¹ We find that the waiver is appropriate because the unusual local delays and the unique location of the site are rare and exceptional circumstances beyond the permittee's control within the meaning of the *Streamlining MO&O*. We will grant the waiver effective as of November 19, 2013, the date that the 120 day shot clock would have expired.

Grant of the request is subject to the following conditions:

The waiver is effective as of November 19, 2013.

Once the waiver period ends, 1 year, 6 months and 6 days will remain on the permit.

The waiver will remain in effect until January 23, 2015, absent resolution of the local zoning process. If the matter is not resolved within 6 months, you would need to file a status report by January

¹ See 1998 Biennial Regulatory Review—*Streamlining of Mass Media Application Rules and Processes*, Report and Order, 13 FCC Rcd 23056 (1998), *recon. granted in part and denied in part*, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17541 (1999) ("Streamlining MO&O").

23, 2015, and at six-month intervals thereafter, requesting continued waiver treatment. You must notify us within 30 days of any decision by the county involving the site. You also must notify us within 30 days of entering into any agreement to assign the construction permit or to transfer control of the permit in any transaction that would require FCC approval with an unredacted copy of the agreement and all exhibits and schedules thereto. These status reports and notifications must be sent by letter to Secretary, FCC, 445 12th St., S.W., Washington, DC 20554, with a courtesy copy by e-mail to me.

When the waiver period ends (either because you have not filed a request for continued waiver of the construction deadline or because the matter has been resolved) we will calculate a new permit expiration date by adding the remaining 1 year, 6 months and 6 days.

Sincerely,

A handwritten signature in blue ink that reads "Peter H. Doyle" followed by a small mark that appears to be "TH".

Peter H. Doyle
Chief, Audio Division
Media Bureau