

EDINGER ASSOCIATES PLLC

ATTORNEYS AT LAW AND CONSULTANTS
INTERNATIONAL SQUARE
1875 I STREET, NW, SUITE 500
WASHINGTON, DC 20006
+1 (202) 747-1690 (P) • +1 (202) 747-1691 (F)
WWW.EDINGERLAW.NET

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VIA HAND DELIVERY

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Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

JUN 10 2016

**Federal Communications Commission
Office of the Secretary**

Re: Tolling Request
KLHT-FM, Honolulu, Hawaii
Facility ID: 81538
File Number: BNPED-19960416MA

Dear Ms. Dortch:

Calvary Chapel of Honolulu, Inc. ("Calvary Chapel"), permittee of the above referenced station, by its counsel, hereby requests tolling for the above referenced permit. Tolling is warranted due to a lightning strike to the tower that prohibited Calvary Chapel from conducting spurious emission measurements.

Calvary Chapel completed construction of the facilities specified in the construction permit on February 12, 2016. Construction was a huge undertaking as KLHT-FM is sharing a directional antenna with four other FM stations at a combined site which is located in close proximity to an FCC monitoring station. Due to these factors, the construction permit contained eight special operating conditions. With the exception of spurious emission measurements, all conditions were satisfied by March 21, 2016. On March 25, 2016, lightning struck the tower, which resulted in significant damage to the combined antenna. Some of the stations on the antenna and tower operated at reduced power until mid-May 2016. During this time period, Calvary Chapel could not conduct spurious emission measurements because the measurements can only be conducted when stations using the shared antenna are operating at full power. Since the stations on the antenna returned to full power, Calvary Chapel has been working with the antenna manufacturer, Shively Labs, to complete the spurious emission measurements. These measurements should be completed very soon.¹

¹ Calvary Chapel is contemporaneously filing its license to cover application. It will amend such application when the spurious emission measurements are completed.

Section 73.3598(b)(1) provides that "the period of construction for an original construction permit shall toll when construction is prevented by ...: (1) an act of God, defined in terms of natural disasters....". The Media Bureau has held lightning strikes that cause damage to a tower are Acts of God. *See CMCG Puerto Rico License, LLC*, 21 FCC Rcd 12900 (MB 2006).² Thus, Calvary Chapel respectfully requests that tolling until it completes spurious emission measurements.³

Sincerely,

Scott Woodworth

² Tolling is also warranted pursuant to Section 73.3598(b)(2) of the Commission's Rules. The construction permit was subject to administrative review due to the filing of an application for review of the construction permit. The application for review was dismissed by the Commission on December 16, 2015.

³ Out of an abundance of caution, to the extent that the Media Bureau does not grant tolling, Calvary Chapel respectfully requests a waiver of the construction deadline for a period of thirty days so that it can complete spurious emission measurements.