Federal Communications Commission
Washington, D.C. 20554

May 3, 2022

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL

Mesa County
Box 2000
Grand Junction, CO 81502
EDWARD.MORGAN@MESACOUNTY.US

Re: Construction Permit Expiration
DK02RG-D, Gateway, CO
Facility ID No. 198101
BNPDVL-20140522ABK

Dear Former Permittee:

This is with respect to the above captioned expired construction permit. Commission records indicate that you failed to file an application for license to cover by the construction permit expiration date.[1] Section 74.788(b) of the Commission's rules states that:

> Any construction permit for which construction has not been completed and for which an application for license or extension of time has not been filed, shall be automatically forfeited upon expiration without any further affirmative cancellation by the Commission.[2]

As such, the construction permit was automatically forfeited.

Accordingly, pursuant to sections 74.788(b) of the Commission's rules, the construction permit for the station referenced above was **AUTOMATICALLY FORFEITED** and the call sign

[1] *See* 47 CFR §§ 74.788(b) and 73.1620(a)(1). *See Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 03-185, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd 14927, 14932-33, para. 9 (2015). In that decision, the Commission extended the expiration date of valid construction permits for new digital low power television stations to the LPTV digital transition date which is set as 12 months following the completion of the 39-month post-Incentive Auction transition period or 51 months from the completion of the Incentive Auction and the release of the *Closing and Channel Reassignment Public Notice*. *Id*. *See Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (IATF and MB 2018). Given the April 13, 2017 release date of the *Closing and Channel Reassignment Public Notice*, the LPTV digital transition date and expiration date of all valid construction permits for new digital LPTV stations were set as July 13, 2021.

[2] 47 CFR §74.788(b).

has been **DELETED**.[3] All authority to construct the stations have been **TERMINATED**. All pending applications will also be **DISMISSED**.

Sincerely,

/s/

Mark Colombo
Associate Chief, Video Division
Media Bureau

cc: (via electronic mail): Bill Frost, Esq. DATAVIX@GMAIL.COM

[3] This letter is being sent as a courtesy. Cancellation of the station's construction permit and deletion of its call sign by Media Bureau staff in the Licensing and Management System (LMS) is an administerial function and does not constitute an official Commission action nor require any affirmative cancellation by the Commission. *See e.g., Media Bureau Reminds Remaining Low Power Television and Television Translator Stations that the July 13, 2021 Digital Transition Date and Oher Important Deadlines are One Week Away*, Public Notice, DA 21-786 (rel. July 6, 2021); *Media Bureau Reminds Remaining Analog Low Power Television and Television Translator Stations Without Digital Construction Permits to File Immediately in Order to Ensure A Successful Digital Transition*, Public Notice, DA 21-684 (rel. June 11, 2021); 86 FR 32262 (June 17, 2021).