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August 26, 2016

Accepted / Filed

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

AUG 26 2016

Federal Communications Commission
Office of the Secretary

**Re: FM Translator K224EB, Cut Bank, MT, Facility No. 147245
Construction Permit File No. BNPFT-20130328AHY
Request for Extension/Tolling of Construction Permit**

Dear Ms. Dortch:

Starboard Media Foundation, Inc. ("Starboard"), by its attorney and pursuant to Sections 1.3 and 73.3598 of the Commission's Rules, hereby respectfully requests tolling or extension of the authorized period of construction for the construction permit associated with FM translator station K224EB, Cut Bank, Montana (Facility No. 147245) (the "Construction Permit"). This request is being filed in accordance with Footnote 36 of *Revitalization of the AM Service*, First Report and Order, Further Notice of Proposed Rulemaking and Notice of Inquiry, 30 FCC Rcd 12145 (2015) ("Order") and the Commission's Public Notice, *Media Bureau Initiates AM Revitalization Outreach Efforts*, DA 15-1215, released October 26, 2015 ("October 2015 Public Notice"). Starboard seeks a waiver or tolling of the construction deadline to the longest period permitted by the Commission.

The Construction Permit is due to expire on September 27, 2016. As set forth in the Order and in the Commission's Public Notice, *Media Bureau Announces Filing Dates and Procedures for AM Filing Window for FM Translator Modifications*, DA 15-1491, released December 23, 2015 ("December 2015 Public Notice"), the second FM translator modification application window, which opened on July 29, 2016 and is due to close on October 31, 2016, is open to licensees of all AM stations.

Today, Starboard filed an application ("Assignment Application") for consent to the assignment of the Construction Permit to Bee Broadcasting, Inc. ("Bee"), File No. BALFT-20160826AAQ. Starboard understands that Bee will file an application during the current translator modification application window for consent to modify the Construction Permit,

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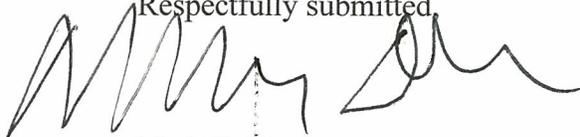
including by moving its transmitter site up to 250 miles from its presently-authorized location (“Modification Application”), and to pair it with one of the AM stations held by Bee.

However, because the Construction Permit is due to expire on September 27, 2016, tolling or extension of that deadline will be necessary so that Bee may take advantage of the AM revitalization efforts set forth in the Order. In particular, absent tolling or extension of the Construction Permit deadline, there would not be sufficient time for the parties to obtain a grant of the Assignment Application and to close on the transactions set forth therein prior to the September 27 deadline. That is because, pursuant to Section 309(b) of the Communications Act of 1934, as amended, the Commission cannot grant an assignment of license application earlier than 30 days after that application has been placed on a Commission Public Notice. The Assignment Application will not be placed on a Public Notice on a date that is more than 30 days before September 27.

Starboard understands that Bee will have a strong commitment to constructing the facilities set forth in the Modification Application. In addition, Starboard understands that the Modification Application to be filed by Bee will propose a new site in Montana, which site will have very limited accessibility during the harsh winter months between December 1 and April 1. With that in mind, Starboard understands that Bee will request that the Commission grant the Modification Application either prior to November 1, or after April 1, to maximize the time period that that facilities may actually be constructed.

For the forgoing reasons, Starboard respectfully submits that it would be in the public interest to grant the tolling or extension of the expiration of the Construction Permit.

Respectfully submitted,



Mark B. Denbo

Counsel to Starboard Media Foundation, Inc.

cc: Victoria McCauley, Esq. (FCC) (victoria.mccauley@fcc.gov)