

# *Law Offices of Evan D. Carb, PLLC*

1200 New Hampshire Avenue, NW  
Suite 600  
Washington, DC 20036

Ph (202) 293-2555  
Fax (202) 296-2014  
Carblaw@verizon.net

August 8, 2017

## **VIA COURIER AND EMAIL**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, TW-325  
Washington, DC 20554

Re: New FM, Belle Rose, LA (KBRS)(Facility ID #190402)  
Alex Media, Inc.  
BNPH-20120515ABA  
Request for Tolling of Construction Period

Dear Ms. Dortch:

Alex Media, Inc. ("AMI"), by its counsel, and pursuant to Section 73.3598(b)(1) of the Commission's Rules, hereby requests a further 2 month tolling of the construction period for its new station KBRS (FM) at Belle Rose, Louisiana. Alex Media originally received a tolling of its original February 17, 2017 construction deadline until August 17, 2017 due to the impact of flooding in the Baton Rouge area and the impact that it had on the availability of studio space and construction contractors. Alex Media respectfully requests a short two month further extension, as it appears the six months originally provided was insufficient.

On August 11, 2016 Baton Rouge and its surrounding Parishes received severe flooding conditions, which continued to worsen over the ensuing week. Currently, Baton Rouge and some 30 surrounding Parishes are the subject of state or federal disaster declarations (See FEMA DR-4277) and are likely to receive varying levels of assistance from FEMA. At least 110,000 homes were reported damaged, 30,000 people were reported rescued, tens of thousands of homes and businesses lost power and other utility services and many roadways and other infrastructure have been damaged. In its August 2016 tolling request, Alex Media stated that its scheduled build for KBRS, by virtue of these events beyond its control, has and will continue to be directly and adversely impacted.

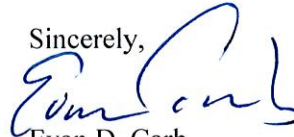
Following the extension grant a consultant engineering contractor was hired to assemble the station and to assist with locating contractors and managing the build schedule. By later today, all permitting will have been completed and all equipment will either be on-site or staged in a nearby warehouse for the build. As the attached letter from the contractor indicates, due to widespread backlogs of work, he had been able to find but a single acceptable subcontractor willing to commit to meet the August 2017 deadline for electrical, pad and antenna work. However, it now appears that such commitment was over-optimistic and due to the backlog and additional flooding in the area this past week, at a minimum the subcontractor will miss the current deadline by several weeks.

Accordingly, it is apparent that despite its diligent efforts, Alex Media is continuing to struggle with backlogs caused by a natural disaster beyond its reasonable control, and respectfully requests a minor two month

extension Until October 17<sup>th</sup> in which to complete construction of KBRs(FM). AMI is aware of its obligation to keep staff advised of the status of this matter.

Please call if you have any questions regarding this submission.

Sincerely,



Evan D. Carb

cc (via email): Victoria McCauley  
Attachment



# Michael Patton & Associates

12231 Industriplex Blvd, Ste C  
Baton Rouge, LA 70809  
[www.michaelpatton.com](http://www.michaelpatton.com)

VOICE: 225.752.4189  
FAX: 225.756.3343  
[mike@michaelpatton.com](mailto:mike@michaelpatton.com)

Evan Carb  
Alex Media  
25 East 86<sup>th</sup> St  
New York, NY 10028

August 7, 2017

re: difficulty in securing tower site services for KBRS installation due to last year's flooding

Dear Evan:

I am writing to you today to notify you that my firm, retained to oversee the installation of the antenna, transmitter, and associated equipment for KBRS, Belle Rose, LA, is having difficulty with the contractor enlisted to do the foundation and antenna work on the tower, and we may not be able to complete the installation before the Construction Permit expires on August 17<sup>th</sup>, despite everyone's best efforts.

The disastrous effects from the devastating floods in our area last year, which destroyed tens of thousands of homes and businesses in this area, continue to send shock waves through our communities, and to disrupt business schedules for many people. Contractors of all types, including tower site services contractors, are still struggling to clear long backlogs of work to be done.

Despite the disruption of the widespread flooding, we began a diligent search starting in the winter of 2016 for contractors that could meet our revised schedule. We were able to find only one such acceptable contractor who stated that they could meet our build schedule before the Construction Permit expires on August 17<sup>th</sup>, but it appears at this point that they will likely not meet that deadline. The severe flooding this past Saturday in the New Orleans area has now made that even less likely.

All equipment and supplies have been ordered and staged at our facility a short drive from the tower site with the exception of the feed line, which scheduled to arrive on-site this week. The last local building permit will be issued tomorrow (Tuesday, Aug 8<sup>th</sup>).

I am hoping that the FCC will be willing to grant us even a 30-day extension of time on the construction permit. I am confident that with such a brief extension we will be able to complete the installation and have the radio station on the air. I urge you to contact them and see what Alex Media's options are.

Please let me know if you need any more information.

Regards,

G. Michael Patton, owner