

July 9, 2021

**VIA EMAIL DELIVERY**

Attn: Larry Hannif-Ali, Audio Division, Media Bureau  
[Larry.Hannif-Ali@fcc.gov](mailto:Larry.Hannif-Ali@fcc.gov)

Re: Townsquare License, LLC  
W258DR, New Bedford, MA  
Facility ID No. 202288  
Construction Permit File No. BNPFT-20180502AAI  
Construction Deadline: August 16, 2021

*Request for Waiver and/or Tolling of Construction Permit Deadline*

Dear Mr. Hannif-Ali:

Townsquare License, LLC (“Licensee”) holds the above-captioned construction permit. By its counsel and pursuant to Sections 1.3 and 73.3598(b) of the Commission’s Rules, Licensee hereby requests a waiver of the August 16, 2021 construction deadline for the above-referenced construction permit pursuant to the Commission’s guidance issued in the Public Notice released on September 10, 2020 (“Public Notice”).<sup>1</sup> It is noted that the August 16, 2021 deadline falls outside the parameters set forth in the *Public Notice*. However, Licensee respectfully requests that the Commission nevertheless consider its request in light of the significant steps Licensee has taken toward construction and the fact that pandemic conditions have extended well into 2021.<sup>2</sup>

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<sup>1</sup> Media Bureau Announces Availability of Construction Deadline Waivers for Certain FM Translator Stations Awarded in Auctions 99 and 100, Public Notice, DA 20-1059 (MB rel. Sept. 10, 2020).

<sup>2</sup> Indeed, New Bedford, MA – the community where the facility is being built – was considered at risk as recently as late May. At that time, New Bedford was one of two Massachusetts municipalities still classified in the “red zone” based on population and average case rate. See Anastasia E. Lennon, *What does the state's accelerated COVID reopening mean for New Bedford? We break it down*, Standard-

In the *Public Notice*, the Bureau noted that it may in appropriate cases grant a waiver of the construction deadline based on “rare and exceptional circumstances beyond the permittee’s control,” holding that, to the extent the COVID-19 pandemic has hindered the ability of an applicant to construct its translator facilities, those specific difficulties would constitute such a rare and exceptional circumstance beyond the permittee’s control. The *Public Notice* recognized that “shutdowns associated with the pandemic have forced stations to halt construction, have disrupted equipment availability and deliveries, and have interrupted travel for tower and equipment installers.”<sup>3</sup> As set forth below, such circumstances are present in the instant case.

Licensee’s efforts to complete construction of W258DR remain frustrated due to continued disruptions caused by COVID-19. For example, Licensee ordered a transmitter for the facility in May – well in advance of the mid-August construction deadline – but the transmitter still has not shipped due to pandemic-related supply chain delays.<sup>4</sup> And although the manufacturer expects the transmitter to ship by early August, the extended lead time has had a “ripple effect,” delaying other steps toward construction. In addition, the tower crew retained by Licensee has fallen behind schedule after running into similar delays in their work on other projects. While Licensee still hopes to construct the facility by the August 16, 2021 construction deadline, additional time would give Licensee some breathing room to overcome tower crew or other issues that could further delay the construction and are out of its control.

In light of the fact that delays to completing construction are due to circumstances beyond its control, Licensee submits that the public interest will be served by waiving the construction deadline for the W258DR construction permit by an additional 90 days.

Respectfully submitted,

/s/ Emilie de Lozier

Emilie de Lozier

Counsel for Townsquare License, LLC

Attachment

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Times (May 27, 2021), <https://www.southcoasttoday.com/story/news/local/2021/05/27/what-massachusetts-accelerated-covid-reopening-means-new-bedford-pandemic-restrictions/5143370001>.

<sup>3</sup> *Id.*

<sup>4</sup> A statement from Townsquare’s Senior Vice President of Engineering, supporting the specifics of this request, is attached.

**ATTACHMENT – Statement from Townsquare Senior Vice President of Engineering**

Due to extended supply chain delays related to Covid, the transmitter we ordered for W258DR in May has still not shipped. Although the manufacturer expects to ship by early August, the lead time has caused a ripple effect in the construction of W258DR and has placed us at risk of missing the 8/16/21 construction permit expiration date. Furthermore, the tower crew we retained to install the new antenna has also been delayed by similar issues at other projects. Even if we receive all of the equipment in time, the installation thereof by the deadline is in jeopardy.

/s/ Martin Stabbert

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