



Federal Communications Commission
Washington, D.C. 20554

November 15, 2018

In reply refer to:
1800B3-VM

Ms. Amy Meredith
Powell Meredith Communications Company
7884 Peacock Lane
Frisco, TX 75035

In re: W270CS, Gulfport, MS
Facility ID No. 142760

K221GE, Wickenburg, AZ
Facility ID No. 143311

K287BP, South Padre Island, TX
Facility ID No. 142717

Request for tolling

Dear Ms. Meredith:

This is in reference to the October 30, 2018 tolling request¹ you filed on behalf of Powell Meredith Communications Company (PMCC) for three construction permits for new FM Translator Stations: W270CS, Gulfport, Mississippi, File No. BNPFT-20150518AFL (Facility ID No. 142760); K221GE, Wickenburg, Arizona, File No. BNPFT-20130827AEC (Facility ID No. 143311); and K287BP, South Padre Island, Texas, File No. BNPFT-20130826AGH (Facility ID No. 142717) (collectively, Stations). Those three permits were granted on January 29, 2016 for three-year terms ending on January 29, 2019. Although we dismissed the October Tolling Request as duplicative, we have re-reviewed the October Tolling Request and are considering it as a petition for reconsideration of the end of tolling. This petition for reconsideration is granted in part, and we hereby waive the expiration date for a limited period of six months.

Each of PMCC's tolling requests has failed to provide sufficient documentation to prove construction is prevented due to the causes enumerated in Section 73.3598(b) of the Rules.² However, the October Tolling Request indicates that pending bankruptcy proceedings involving PMCC and third parties may prevent the permittee from proceeding with construction or operation of the Stations. In order to allow the permittee additional time to gather the required proof before the permits expire, we will waive (not toll) the expiration dates on the construction permits for a period of six months. **The three**

¹ PMCC filed previous tolling requests on June 19, 2017, February 1, 2018 and February 5, 2018 (February 5 Tolling Request). On March 8, 2018, we found the February 5 Tolling Request was within the tolling provisions in Section 73.3598(b) of the Commission's rules (Rules), 47 CFR §73.3598(b), and we granted it (March Grant). The March Grant expired on August 7, 2018, and PMCC did not file an update to request further tolling at that time. Instead, PMCC filed a new request for tolling on October 30, 2018 (October Tolling Request). At that time, we determined that March Grant had been in error, rescinded the March Grant, and reestablished the original expiration date.

² PMCC has attempted to rely on Section 73.3598(b)(2), which provides that the period of construction shall toll when . . . "construction is delayed by any cause of action pending before any court of competent jurisdiction relating to any necessary local, state or federal requirement for the construction or operation of the station. . . ." See 47 CFR §73.3598(c). PMCC's requests have failed to provide sufficient documentation to make this showing.

referenced permits now expire at 3:00 a.m. on July 29, 2019. The construction permits will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration.

If PMCC is not able to complete construction or operate the Stations due to a cause not under its control and recognized under Section 73.3598(b), PMCC is required to submit a new request for tolling prior to the July 29, 2019 expiration date. Any new tolling request must include a **signed and dated order of a court of competent jurisdiction that (i) explicitly references the permits by call sign or Facility ID number, (ii) articulates clearly and directly the encumbrance that prevents PMCC from constructing, operating or divesting the Stations, and (iii) directs the Commission to toll the construction permit.** The order must also indicate the date on which the encumbrance was established in order to determine the start date of tolling.

Any new request for tolling must be sent by letter to Secretary, FCC, 445 12 St., S.W., Washington, DC 20554 with a courtesy copy by e-mail to Victoria.McCauley@fcc.gov.

You also must notify the Commission within 30 days of any pending court matter relating to any of the Stations being resolved. *See* 47 CFR § 1.65.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Shuldiner", with a stylized flourish at the end.

Albert Shuldiner
Chief, Audio Division
Media Bureau