



Federal Communications Commission
Washington, D.C. 20554

September 21, 2015

Joan Stewart, Esq.
Wiley Rein, LLP
1776 K Street, N.W.
Washington, DC 20006

Re: KIIT-CA, North Platte, Nebraska
LMS File Nos. 0000004660 and 0000001838
Request for Tolling and Reinstatement
Facility ID: 49285

Dear Counsel:

This concerns the September 17, 2015 request for tolling and reinstatement filed on behalf of Gray Television Licensee, LLC (Gray), requesting that the September 1, 2015 expiration date for the above-referenced digital construction permit for KIIT-CA, North Platte, Nebraska (station) be tolled. For the reasons set forth below, we grant your request, reinstate the construction permit and briefly toll its expiration date.

The subject digital construction permit (LMS File No. 0000001838) was recently granted on June 22, 2015. When originally granted, the construction permit was erroneously given an expiration date of June 22, 2018. However, since the station is a Class A television station, it must complete its digital construction by the September 1, 2015 digital transition date.¹ Therefore, the permit expiration date was later corrected to September 1, 2015. You state that Gray was unaware of this action and, therefore, did not ask for more time to complete its construction. You represent that the station has now installed all needed equipment and is currently conducting testing of its digital signal with the expectation of beginning regular digital broadcasts the week of September 21, 2015. Accordingly, you request that the construction permit be reinstated and its expiration date be tolled until September 30, 2015.

On June 13, 2009, the Commission began applying the tolling provisions of Section 73.3598 of the rules to DTV construction deadlines occurring after June 12, 2009.² Section 73.3598(b) of the rules provides that a construction permit deadline may be tolled under specific circumstances such as acts of God, delays due to administrative or judicial review or 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, including any zoning or environmental requirement.³ The station does not qualify for tolling under any of those circumstances. We find, however, that good cause exists to waive Section 73.3598 and to toll the expiration of the station's digital construction permit. The station was unable to complete the construction of its digital facilities due to circumstances that were unforeseen and beyond its control. Further, the station believed it had more time to complete construction because its construction permit was originally given an expiration date of June 22, 2018. In addition, we find the public interest would be served by grant of a waiver and brief

¹ See 47 C.F.R. § 74.731(l).

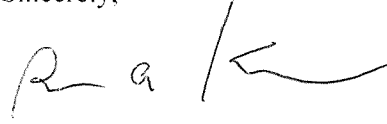
² See *Implementation of DTV Delay Act*, MB Docket No. 09-17, Second Report and Order and Notice of Proposed Rulemaking, 24 FCC Rcd 2526, 2540-41 (2009).

³ See 47 C.F.R. § 73.3598(b).

extension of the station's construction permit.⁴

The above facts considered, Gray Television Licensee, LLC's request for reinstatement and tolling IS GRANTED, the construction permit IS REINSTATED and the construction deadline for construction permit LMS File No. 0000001838 for KIIT-CA, North Platte, , IS TOLLED until September 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara A. Kreisman', with a stylized flourish at the end.

Barbara A. Kreisman, Chief
Video Division
Media Bureau

⁴ We note that the facilities in the above-referenced digital construction permit were not constructed and licensed (or subject to a pending application for license) before the May 29, 2015, Incentive Auction Pre-Auction Licensing Deadline. *See Media Bureau Designates May 29, 2015 as Pre-Auction Licensing Deadline*, Public Notice, 30 FCC Rcd 393 (MB 2015). Therefore, the facilities authorized in the above-referenced digital construction permit will not be protected in the Incentive Auction repacking process.