



Federal Communications Commission  
Washington, D.C. 20554

September 29, 2020

Corridor Television, LLP  
Kuropatkin Tawil  
1402 West Avenue  
Austin, TX 78701  
[ktawil@kcwx.com](mailto:ktawil@kcwx.com)

(via electronic mail)

Re: Request for Tolling  
KCWX, Fredericksburg, TX  
Facility ID No. 24316  
LMS File Nos. 0000122057

Dear Licensee,

On September 22, 2020, Corridor Television, LLP (Corridor), the licensee of KCWX, Fredericksburg, Texas (KCWX or Station), filed the above-referenced request for tolling, as amended, of the construction permit expiration date for the Station's replacement translator (File No. BDRTCDT-20090825BVK). For the reasons below, we grant Corridor's request and toll the expiration date of the replacement translator construction permit 180 days to **May 11, 2021**.

*Background.* KCWX has a construction permit for a replacement translator to replace service to a portion of its service area that was lost when the Station transitioned to digital. Pursuant to Section 74.788 of the rules, requests for additional time to construct replacement translators are subject to the Commission's tolling provisions of Section 73.3598(b) of the rules.<sup>1</sup> The Commission's tolling provisions provide 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 that is delayed by any cause of action pending before a 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.<sup>2</sup> If a station does not qualify for tolling under these criteria, good cause may exist to waive the Commission's tolling provisions and tolling may still be warranted where the licensee can demonstrate that "rare and exceptional circumstances" prevented construction by the station's construction permit expiration date.<sup>3</sup>

Corridor requests tolling of its construction permit for its replacement translator facility. Corridor states that delays in construction were caused by the ongoing COVID-19 pandemic. Specifically,

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<sup>1</sup> See 47 CFR §§ 73.3598(b) and 74.788.

<sup>2</sup> 47 CFR 73.3598(b).

<sup>3</sup> See 1998 Biennial Regulatory Review -- Streamlining of Mass Media Applications, Rules, and Processes, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17542, para. 42 (1999) (recognizing that there may be "rare and exceptional circumstances" beyond the control of the licensee that do not fall under the tolling provisions, but "which would warrant the tolling of construction time." The Commission concluded that in such "limited circumstances," it would entertain requests for waiver of its "strict tolling provisions"); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972); 47 CFR § 1.3 (waiver for good cause shown).

Corridor states that, during the current construction permit period, it diligently attempted to engage engineers to assist with the construction of station facilities; however, construction coincided with the peak of the COVID-19 pandemic, which caused significant delays to construction and hardship to the station and the greater San Antonio area. Corridor explains further that, until recently, it has been unable to secure a reliable, certified engineer and other necessary consulting experts despite its best efforts. Corridor states that it is now prepared to construct the station's facilities and has submitted a request for modification to that effect. However, Corridor states that it will need additional time to ship and construct the antenna. In light of these delays, Corridor requests that its construction permit be tolled for 180 days until May 11, 2021.

*Discussion.* Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to toll the expiration date of KCWX's replacement translator construction permit. Corridor has demonstrated that it was unable to complete construction of its replacement translator due to construction delays because of the COVID-19 pandemic. Further, we believe the public interest will be served by tolling the construction permit to permit KCWX to complete construction of its replacement translator and begin providing service to viewers that were lost when the Station transitioned to digital.

The above facts considered, Corridor Television, LLP's request for tolling **IS GRANTED**. The construction permit (File No. BDRTCDT-20090825BVK) for replacement translator for KCWX, Fredericksburg, Texas **IS TOLLED** 180 days to **May 11, 2021**.

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc (via electronic mail): Jonathan Mark, Esq.