



Federal Communications Commission  
Washington, D.C. 20554

February 9, 2022

Sawtooth Mountains Broadcast & Wireless Corp.  
Michael Chase  
943 W. Overland Road  
Meridian, ID 83642  
[mchase@edgenetworks.tv](mailto:mchase@edgenetworks.tv)  
(via electronic mail)

Re: Request for Tolling Waiver  
K29KY-D, Blackfoot, ID  
Fac ID No. 187479  
LMS File No. 0000172519

Dear Licensee,

This concerns a request for waiver of the Commission's tolling provisions and tolling of construction permit expiration date (Request), as amended, filed by Sawtooth Mountains Broadcast & Wireless Corp. (Sawtooth), permittee of low power television station K29KY-D, Blackfoot, Idaho (K29KY-D or Station). For the reasons below, we grant Sawtooth's Request and toll the expiration date of the Station's construction permit to July 11, 2022.<sup>1</sup>

*Background.* Requests for additional time to construct digital low power television facilities are subject to the Commission's tolling provisions of section 73.3598(b) of the Commission's rules.<sup>2</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>3</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>4</sup>

*Request For Tolling Waiver.* K29KY-LD is an unbuilt new low power television station. The construction permit<sup>5</sup> (Station CP) was originally issued to Landover 2, LLC (Landover) on October 2,

---

<sup>1</sup> Because the Station requests an extension to Sunday, July 10, 2022, we will extend the construction permit to the next business day, which would be Monday, July 11, 2022. See 47 CFR § 1.4.

<sup>2</sup> See 47 CFR § 73.3598(b).

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

<sup>4</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) (*Streamlining MO&O*) (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).

<sup>5</sup> See CDBS File No. BNPDTL-20100609AHK and modified by LMS File No. 0000163655.

2012 and had an expiration date of July 13, 2021.<sup>6</sup> An extension application filed by Landover was granted on July 12, 2021 and the Station CP's expiration date was extended to January 10, 2022.<sup>7</sup> Sawtooth subsequently acquired the Station from Landover on August 27, 2021.<sup>8</sup>

In Landover's extension application, Sawtooth, as buyer of an unbuilt construction permit, provided a statement that included a timeline for completing construction of the Station by December 31, 2021. Sawtooth stated that it would give "its best efforts to bring-forward these dates which may be subject to equipment and installation delays."

In its Request, as amended, Sawtooth states that it fully expected that it would be able to complete construction of the Station within the estimated timeframes based on the information and experience it had had with equipment vendors as of July 2021. However, Sawtooth states, at that time, it was unaware of serious delays that it would face when ordering its equipment as well as an interference issues involving another low power television station that would necessitate a change in plans.

Sawtooth initially estimated, based on the construction permit it acquired, it could order transmitting and antenna equipment and receive delivery within about 10 weeks. Sawtooth states that it expected to have all equipment on hand and installed by November 30, 2021. However, in September 2021, Sawtooth states that it became aware that equipment delivery times were running two to three times the normal delivery times for transmitter and antenna equipment due to the supply chain issues affecting the U.S. economy in general and specifically affecting the market for electronic chipsets. Sawtooth states that supply chain issues alone would have made it impossible for it to meet the construction deadline.

Sawtooth states that it also discovered that the original transmitter location that was specified in the Station's construction permit would result in interference from low power television station K29KG-D, Idaho Falls, Idaho. Sawtooth quickly identified a new tower location and filed an application for minor change which was granted on October 19, 2021.<sup>9</sup> Sawtooth provides documentation that it has placed its equipment order and is presently working on site preparation which Sawtooth states has been further delayed by winter weather. Sawtooth estimates that based on delivery estimates and weather conditions it will be able to complete construction in June 2022.

---

<sup>6</sup> See *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 03-185, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd 14927, 14932-33, para. 9 (2015). In that decision, the Commission extended the expiration date of valid construction permits for new digital low power television stations to the LPTV digital transition date which is set as 12 months following the completion of the 39-month post-Incentive Auction transition period or 51 months from the completion of the Incentive Auction and the release of the *Closing and Channel Reassignment Public Notice*. *Id.* See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (IATF and MB 2018) (*Closing and Channel Reassignment Public Notice*). Given the April 13, 2017 release date of the *Closing and Channel Reassignment Public Notice*, the LPTV digital transition date and expiration date of all valid construction permits for new digital LPTV stations were set as July 13, 2021.

<sup>7</sup> See LMS File No. 0000137174.

<sup>8</sup> See LMS File No. 0000151975.

<sup>9</sup> See LMS File No. 0000163655.

*Discussion.* Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to waive the rules and toll the expiration date of the Station CP to July 11, 2022.<sup>10</sup> Sawtooth has demonstrated it, since acquiring the Station in late August 2021, it has been diligently making progress towards completion of its facilities, but was unable to complete construction due to a change in plans to avoid interference once the station was constructed and weather. All equipment has now been ordered. Ultimately, we conclude that the public interest will be served by grant of waiver and tolling of the Station's CP.

The above facts considered, Sawtooth Mountains Broadcast & Wireless Corp.'s request for waiver of the Commission's tolling provisions **IS GRANTED**. The construction permit (LMS File No. 0000163655) for K29KY-D, Blackfoot, Idaho, **IS TOLLED through July 11, 2022**. To the extent the Station seeks additional tolling, such a request must include a detailed plan for completing construction and a showing demonstrating that completion of the Station's facilities was prevented for either an eligible tolling reason or rare and extraordinary circumstances outside of Sawtooth's control.<sup>11</sup> We will look unfavorably upon any future request that does not include such information.

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc (via electronic mail): Brooks Harlow, Esq.

---

<sup>10</sup> 47 CFR § 73.3598(b).

<sup>11</sup> *See id.* A station may also seek a waiver of the tolling rule to receive additional time to construct in the case where "rare or exceptional circumstances" prevent construction. *See Streamlining MO&O*, 14 FCC Rcd at 17536, para.42.