



Federal Communications Commission  
Washington, D.C. 20554

April 11, 2022

Word of God Fellowship, Inc.  
3901 Highway 121 South  
Bedford, TX 76021  
[arnold.torres@daystar.com](mailto:arnold.torres@daystar.com)  
(via electronic mail)

Re: Requests for Tolling Waivers  
KPCD-LP, San Fernando, CA  
Facility ID Nos. 129226  
LMS File No. 0000179236

Dear Licensee,

This concerns request for waiver of the Commission's tolling provisions and tolling of construction permit expiration date (Request) filed by the Word of God Fellowship, Inc. (WOGF), licensee of low power television (LPTV) station KPCD-LD, San Fernando, California (KPCD-LP). For the reasons below, we grant WOGF's Request and toll the expiration date of the Station's construction permits to July 11, 2022.<sup>1</sup>

*Background.* Requests for additional time to construct LPTV facilities are subject to the Commission's tolling provisions of section 73.3598(b) of the 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.* The Station is a licensed LPTV station whose analog channel 40 was displaced by the Incentive Auction and repacking process. The Station's application for digital displacement channels 27<sup>5</sup> was granted and, because it was operating in analog at the time, the

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<sup>1</sup> Because WOGF requests tolling through Sunday, July 10, 2022, we will extend the construction permits 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* LMS File Nos. 0000054282.

construction permit (Displacement CP) was assigned a July 13, 2021 expiration date.<sup>6</sup> The Station's analog facilities went silent on July 13, 2021 in conjunction with the LPTV digital transition deadline.<sup>7</sup> WOGF filed a construction permit extension application that was granted and the Displacement CP was extended to January 10, 2022.<sup>8</sup>

In its Request, WOGF provides a well-documented showing of its efforts to complete construction of the Displacement CP facilities and of the delays outside of its control that it encountered preventing construction by January 10, 2022. The Station's facilities are to be located on an existing tower on Keller Peak in the San Bernardino Forest in California. Since the grant of the Extension Application, WOGF maintains that it completed all of the necessary lease modifications and timely ordered equipment for the Displacement CP facilities. However, once the equipment was delivered, as documented in photos of the Station's proposed transmitter site, when its engineer attempted to access the site, he found the road leading to the site was closed for the season due to heavy snow cover. WOGF provides a letter from the tower owner verifying that the site is currently inaccessible. Counsel for WOGF has informed Commission staff that it anticipates the road will be reopened on or about June 1, 2021. Once the road is reopened WOGF expects to have the facility completed within approximately two days. For these reasons, WOGF requests waiver of the tolling rule and tolling of Station's construction permit for 180-days.

*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's Displacement CP to July 11, 2022.<sup>9</sup> WOGF has demonstrated that it has been diligently making progress towards completion of the Station's facilities, but was unable to complete construction due to because the road leading to the Station's transmitter site. Ultimately, we conclude that the public interest will be served by grant of waiver and tolling of the Station's Displacement CP.

We remind WOGF that, pursuant to the Reimbursement Expansion Act, the Station is eligible for reimbursement from the TV Broadcast Relocation Fund (Fund) of costs reasonably incurred as a result of the reorganization of broadcast television spectrum.<sup>10</sup> Please note, however, that additional expenses incurred, such as those resulting from changes in a Station's plans to construct its displacement facilities that are unrelated to the displacement, may not be eligible for reimbursement from the Fund.

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<sup>6</sup> See 47 CFR § 74.788(a).

<sup>7</sup> See LMS File Nos. 0000152843 and 0000152844.

<sup>8</sup> See LMS File Nos. 0000139789 (Extension Application).

<sup>9</sup> 47 CFR § 73.3598(b).

<sup>10</sup> See *Consolidated Appropriations Act, 2018*, Pub. L. 115-141, at Division E, Title V, § 511, 132 Stat. 348 (2018) (codified at 47 U.S.C. § 1452(j)-(n)). See also 47 CFR § 73.3701 (Reimbursement Under the Reimbursement Expansion Act); *LPTV, TV Translator, and FM Broadcast Station Reimbursement; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 34 FCC Rcd 1690 (2019); and *LPTV, TV Translator, and FM Broadcast Station Reimbursement; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Notice of Proposed Rulemaking and Order, 33 FCC Rcd 7855 (2018).

We further remind WOGF of the deadline for submitting final expense documentation for reimbursement for the Station is September 6, 2022.<sup>11</sup> **We caution WOGF that we do not anticipate allowing extensions of the final September 6, 2022 invoice filing deadline. A station's failure to complete any remaining construction in a timely manner and to make final submissions by the assigned invoice filing assignment deadline could preclude that station from receiving full reimbursement.** Unobligated amounts in the Fund must be rescinded to Treasury and the Commission staff (with the support of the Fund Administrator) must have sufficient time to fully process all reimbursement requests and complete close-out procedures prior to July 3, 2023.<sup>12</sup> The Fund Administrator will initiate close out procedures for any entity that has failed to initiate interim close-out procedures by the September 6, 2022 invoice filing deadline. Any unused allocations made to that entity's account will be returned to the Fund and made available for allocation to other program participants or rescinded to Treasury. Thus, we strongly encourage WOGF to diligently pursue satisfaction of the current deadline and we encourage WOGF to submit eligible invoices as soon as practicable.

The above facts considered, Word of God Fellowship, Inc.'s request for waiver of the Commission's tolling provisions **IS GRANTED**. The construction permit (LMS File No. 0000054282) for KPCD-LD, San Fernando, California **IS TOLLED through July 11, 2022**.<sup>13</sup> To the extent WOGF seeks additional tolling for the Station, 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 WOGF's control.<sup>14</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): Ari Meltzer, Esq.

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<sup>11</sup> See *Invoice Filing Deadlines for TV Broadcaster Relocation Fund*, MB Docket No. 16-306 and GN Docket No. 12-268, Public Notice, 35 FCC Rcd 11273, 11277, paras. 10-11 (IATF/MB 2020) (setting three filing deadlines for submission of all remaining repack invoices: for eligible entities assigned repack transition completion dates in the first half of the 39-month post-auction transition period, the deadline for submitting all remaining invoices is October 8, 2021; the deadline for entities assigned completion dates in the second half of the transition period is March 22, 2022; and the deadline for all other participants in the reimbursement program is September 6, 2022).

<sup>12</sup> See *id.* at 11277-78, para 13.

<sup>13</sup> We also grant WOGF's request for silent authority for the Station and extend its authority to remain silent until July 11, 2022. See LMS File No. 0000179238.

<sup>14</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.