



Federal Communications Commission  
Washington, D.C. 20554

July 21, 2022

My Central Valley, LLC  
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(via electronic mail)

Re: Requests for Tolling Waivers  
WZEO-LD, La Crosse, WI; WRJT-LD,  
Wausau, WI; and KMYN-LD, Duluth,  
MN  
Fac ID Nos. 184328, 184338, and  
186867  
LMS File Nos. 0000194594,  
0000194595, and 0000194596

Dear Licensee,

This concerns requests for waiver of the Commission's tolling provisions and tolling of construction permit expiration dates (Requests) filed by the My Central Valley, LLC (MCV), permittee of WZEO-LD, La Crosse, Wisconsin (WZEO-LD); WRJT-LD, Wausau, Wisconsin (WRJT-LD); and KMYN-LD, Duluth, Minnesota (KMYN-LD) (collectively Stations). For the reasons below, we grant MCV's Requests and toll the expiration dates of the Stations' construction permits to August 30, 2022.

*Background.* Requests for additional time to construct low power television (LPTV) facilities 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>

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<sup>1</sup> See 47 CFR § 73.3598(b).

<sup>2</sup> *Id.*

<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) (*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).

*Requests For Tolling Waiver.* The Stations are unbuilt, new LPTV stations. The construction permits<sup>4</sup> (Station CPs) were originally issued to DTV America II, LLC (DTV America) in 2012 and had expiration dates of July 13, 2021.<sup>5</sup> Extension applications filed by DTV America were granted on June 22, 2021 and the Station CPs expiration dates were extended to January 10, 2022.<sup>6</sup> MCV acquired the Stations from DTV America on August 10, 2021.<sup>7</sup> In February 2022, the expiration dates of the Stations CPs were tolled to July 11, 2022.<sup>8</sup>

MCV was previously granted tolling based on its documented delays in obtaining equipment. Since tolling of the Stations CPs in February 2022, MCV states that it has continued to work to obtain the remaining pieces of equipment needed to complete construction and begin operations of the Station's facilities. However, due to material shortages, MCV has been informed by its antenna manufacturer that the Stations' antennas will not be able to be delivered until the end of July 2022. MCV provides documentation in support of this delivery delay. MCV states that it is ready to complete installation of the antennas as soon as they arrive and complete the construction of the Stations. Based on the foregoing, and to provide sufficient time to complete the installation process, MCV requests that the Station CPs be tolled briefly until August 30, 2022.

*Discussion.* Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to waive the rules and toll the expiration dates of the Station CPs to August 30, 2022.<sup>9</sup> MCV has demonstrated, since the last grant of tolling waiver in February 2022, it has been diligently making progress towards completion of their facilities, but was unable to complete construction due to delays obtaining the Station's antennas and supports this claim by providing written confirmation of the delays from its manufacturer. Ultimately, we conclude that the public interest will be served by grant of waivers and a brief tolling of the Station CPs.

The above facts considered, My Central Valley, LLC's requests for waiver of the Commission's tolling provisions **ARE GRANTED**. The construction permits for WZEO-LD, La Crosse, Wisconsin;

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<sup>4</sup> See CDBS File No. BNPDTL-20100201AEU as modified by displacement LMS File No. 0000071991 (WZEO-LD); BNPDTL-20100202AAK as modified by LMS File No. 0000008337 (WRJT-LD); and BNPDTL-20100514AAL as modified by displacement LMS File No. 0000072856 (KMYN-LD).

<sup>5</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>6</sup> See 47 CFR § 74.788(c)(3) (permitting a single six month extension of certain station's construction permits). See LMS File Nos. 0000150495; 0000150496; and 0000150497.

<sup>7</sup> See LMS File Nos. 0000150435; 0000150436; and 0000150437.

<sup>8</sup> See LMS File Nos. 0000177521, 0000177522, and 0000177523.

<sup>9</sup> 47 CFR § 73.3598(b).

WRJT-LD, Wausau, Wisconsin; and KMYN-LD, Duluth, Minnesota (LMS File Nos. 0000071991; 0000008337; and 0000072856, respectively), **ARE TOLLED through August 30, 2022**. To the extent the Stations seek additional tolling, such requests must include a detailed plan for completing construction and a showing demonstrating that completion of the Stations' facilities was prevented for either an eligible tolling reason or rare and extraordinary circumstances outside of MCV's control.<sup>10</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): Scott Woodsworth, Esq.

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<sup>10</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.