



Federal Communications Commission  
Washington, D.C. 20554

~~AUG 28 2015~~

Tom W Davidson, Esq.  
Akin Gump Strauss Hauer & Feld  
1333 New Hampshire Ave., NW  
Washington, DC 20036

Re: WPDP-LP, Cleveland, TN  
LMS File Nos. 0000004469 and 0000001220  
Request for Tolling  
Facility ID: 52078

Dear Counsel:

This concerns your August 25, 2015 request for tolling filed on behalf of New Age Media of Tennessee License, LLC (New Age Media) requesting that the expiration date for the above-referenced digital construction permit for WPDP-LP, Cleveland, Tennessee (station) be tolled. For the reasons set forth below, we grant your request and briefly toll the expiration date of the station's digital construction permit.

The subject digital construction permit (LMS File No. 0000001220) was recently granted on April 9, 2015, with an original expiration date of September 1, 2015. You state that New Age Media is diligently working to install the station's digital equipment and begin testing by the September 1, 2015 deadline. You state that New Age Media has obtained the necessary digital equipment, arranged tower space for its new facilities, and planned for the equipment installation and transition. However, its digital equipment only was delivered on August 21, 2015. In anticipation that the equipment would arrive shortly before the digital conversion deadline, you state that New Age Media did significant preparation work so that it could install the digital equipment as quickly as possible upon receipt and prior to the September 1, 2015 deadline, including inspecting the tower site, developing an installation plan, and preparing the analog equipment for removal. However, you note that a couple of unforeseen, last minute issues that were beyond the control of New Age Media have caused delay that may prevent the station from completing its digital transition by the September 1 deadline. You state that New Age Media discovered when it inspected the tower site on July 13, 2015, that the interior lighting and air conditioning systems were not functioning properly. You state that New Age Media promptly requested Crown Castle, the tower owner, to address these issues; however, when WPDP's engineer traveled to the tower location to begin installation of the digital equipment on August 22, 2015 he discovered that the interior lights and air conditioning unit at the tower site were not functioning at all. You represent that a follow-up request to address the issues has been submitted to the tower owner, and the station has, to the best of its ability, procured back up equipment to provide the lighting and temperature controls necessary to ensure proper installation of the digital equipment. In addition to the tower site issues, you state that the digital equipment was delivered without instructions or the proper adaptors, and procuring these items caused additional delay. You maintain that the additional time required to address these issues may prevent New Age Media from timely completing its digital conversion. Out of an abundance of caution, you request that the expiration date on the construction permit be briefly tolled until September 11, 2015.

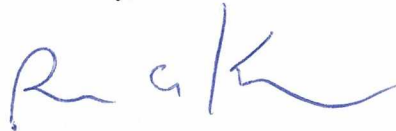
On June 13, 2009, the Commission began applying the tolling provisions of Section 73.3598 of the rules to DTV construction deadlines occurring after June 12, 2009.<sup>1</sup> Section 73.3598(b) of the rules provides that a construction permit deadline may be tolled under specific circumstances such 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

<sup>1</sup> 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).

requirement for the construction or operation of the station, including any zoning or environmental requirement.<sup>2</sup> 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 is close to completing construction and needs only a short extension of its construction permit. In addition, we find the public interest would be served by grant of a waiver and brief extension of the station's construction permit.<sup>3</sup>

The above facts considered, New Age Media's tolling request IS GRANTED and the construction deadline for construction permit LMS File No. 0000001220 for WPDP-LP, Cleveland, Tennessee, IS TOLLED until September 11, 2015.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B A K', with a stylized flourish at the end.

Barbara A. Kreisman, Chief  
Video Division  
Media Bureau

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<sup>2</sup> See 47 C.F.R. § 73.3598(b).

<sup>3</sup> 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.