



Federal Communications Commission
Washington, D.C. 20554

May 15, 2020

Board of Trustees of Southern Illinois University
1003 Communications Building
Mailcode 6602
Carbondale, IL 62901
jak.tichenor@wsiu.org

Re: Request for Tolling
WSIU-TV, Carbondale, IL
Facility ID No. 4297
LMS File No. 0000113736

Dear Licensee,

On May 14, 2020, Board of Trustees of Southern Illinois University (SIU), the licensee of WSIU-TV, Carbondale, Illinois (WSIU or Station), filed the above-referenced request for tolling of the construction permit expiration date for the Station's replacement translator (File No. BDRTEDT-20100830ABG). For the reasons below, we grant SIU's request and toll the expiration date of the replacement translator construction permit 180 days to **November 11, 2020**.

Background. WSIU-TV has a construction permit for a replacement translator to replace service to a portion of its service area that was lost when the Station converted to digital. The construction permit expires on May 15, 2020. 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.¹ 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.² 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.³

SIU requests tolling of its construction permit for its replacement translator facilities. SIU states that the transmitter, antenna and related equipment to receive the off-air signal of the main station have been ordered and were scheduled for installation on May 11, 2020. As of May 1, 2020, SIU was notified

¹ See 47 CFR §§ 73.3598(b) and 74.788.

² 47 CFR 73.3598(b).

³ 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).

that delivery of the transmitter has been delayed due to the COVID-19 pandemic.⁴ In addition, SIU states that the tower crew scheduled to complete the installation of the equipment for the replacement translator has been diverted to work on an “emergency situation.” As a result, SIU states that it will not be able to complete construction of its replacement translator facilities by the May 15, 2020 construction deadline, and requests that the Commission toll the replacement translator construction permit expiration date.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to toll the expiration date of WSIU’s replacement translator construction permit. SIU 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 WSIU 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, Board of Trustees of Southern Illinois University’s request for tolling **IS GRANTED**. The construction permit (File No. BDRTEDT-20100830ABG) for replacement translator for WSIU-TV, Carbondale, Illinois **IS TOLLED** 180 days to **November 11, 2020**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Melodie Virtue, Esq.

⁴ The World Health Organization has classified COVID-19 as a pandemic and the President declared it a national emergency.