

**Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of:	]	
	]	Facility Id. 25391
Grinnell College Trustees of Iowa	]	
	]	LMS File No. 0000123671
Application for Renewal of License	]	

**PETITION FOR RECONSIDERATION AND  
REQUEST FOR REINSTATEMENT NUNC PRO TUNC**

**GRINNELL COLLEGE  
TRUSTEES OF IOWA**

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August 15, 2022

## SUMMARY

As with many educational institutions, Grinnell College experienced tremendous upheaval when the COVID-19 pandemic forced the College's campus to close with little advance notice. Just five months later, a violent derecho caused tremendous damage to most of central Iowa. The derecho caused severe damage to the tower for Station KDIC(FM). Grinnell College properly notified the FCC of the damage to Station KDIC, and filed its renewal of license application one month later, correctly notifying the FCC that it could not certify compliance with the Silent Station certification in light of the August Derecho's damage to the Station's facilities.

Pursuant to a March 2020 public notice released by the FCC's Media Bureau, noncommercial educational broadcast stations run by educational institutions were not required to maintain a minimum schedule of operations while the campuses were closed due to the pandemic, nor were such stations required to request special temporary authority to remain silent. Grinnell College had switched to an automated system for Station KDIC when its campus closed, and did not welcome all of its students back to campus until the end of August 2021.

The disruption of the pandemic led to delays in returning Station KDIC to licensed operations after the August Derecho. Exacerbating the disruption was the diagnosis and treatment of a serious medical condition for the Dean of Student Involvement at Grinnell College. These medical issues lead to further short-staffing issues within the department overseeing Station KDIC, and Grinnell College failed to provide timely responses to FCC staff regarding the status of Station KDIC.

Despite these issues, the July 2022 Letter Decision dismissing Station KDIC's renewal of license application, and cancelling the Station's license, was in error. Those actions were premised on the assumption that the Station was impermissibly off-air for more than a year. However, because the FCC had previously granted educational institutions with authority to remain silent while their campuses were closed, Grinnell College did not violate Section 312(g) for not resuming licensed operations by September 1, 2021, the date specified in the Letter Decision.

Because the FCC affirmatively waived the Section 312(g) obligations for all educational institutions that remained closed during the pandemic, and because the FCC has routinely found that broadcast stations suffering the effects of natural disasters are eligible for relief from the strict requirements of Section 312(g) where it would promote equity and fairness, Grinnell College respectfully requests that the Letter Decision be reversed, the application for renewal of license for Station KDIC be granted, and Station KDIC's license be reinstated *nunc pro tunc*. Grinnell College has received assurances that the necessary repairs to Station KDIC can be completed within six months of the FCC's grant of the requested relief.

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Grinnell College Trustees of Iowa (Grinnell), licensee of Station KDIC(FM), Grinnell, Iowa (the Station), by and through its attorneys and pursuant to Section 1.106(b) of the rules of the Federal Communications Commission (FCC), hereby requests reconsideration of the dismissal of Grinnell’s application for renewal of license for Station KDIC(FM) (Renewal Application), and the decision by the FCC’s Media Bureau to cancel the Station’s license authorization.<sup>1</sup>

As discussed in more detail below, the combined effect of the (i) COVID-19 pandemic, (ii) a derecho that hit Grinnell, Iowa, on August 10, 2020 (August Derecho); and (iii) delays in obtaining replacement equipment, resulted in the Station being off-air since August 10, 2020. Additionally, the Grinnell administrator in charge of the radio station was on medical leave through the end of July 2022, which led to the lack of responsiveness to the FCC’s inquiries and missing the deadline for submitting extension requests of the STA to remain silent.

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<sup>1</sup> See *Notification of License Cancellation*, July Decision, 1800B3-ATS (dated July 15, 2022) (July Decision).

While Section 312(g) of the Communications Act of 1934, as amended (the Act), sets forth the general rule that broadcast stations which fail to broadcast a signal for more than 12 months will have their licenses cancelled automatically, the Act also provides the FCC with the discretion to extend or reinstate a license “to promote equity and fairness.”<sup>2</sup> The FCC has exercised this discretion when reviewing other instances of broadcast stations remaining silent for more than 12 consecutive months, especially when caused by natural disasters. Moreover, the Media Bureau provided additional operational flexibility to noncommercial educational (NCE) FM stations licensed to educational institutions in light of the COVID-19 pandemic.

In light of the natural disaster that forced the Station off-air, coupled with a global pandemic and the related delays in obtaining replacement equipment, Grinnell requests that the Media Bureau (i) reconsider the dismissal of the Renewal Application and cancelation of the Station’s license authorization, and (ii) reinstate the Station’s license *nunc pro tunc*.

## **BACKGROUND**

Grinnell College has operated Station KDIC(FM) for more than 50 years. A vital component of Grinnell’s Department of Student Involvement, the Station has played an important role in campus life since 1968.

In March 2020, as the COVID-19 pandemic was progressing, Grinnell College was one of the first colleges to shutter its campus and have students finish the

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<sup>2</sup> See 47 U.S.C. § 312(g).

semester of classes via remote learning. The college spent the next three weeks arranging for its faculty and staff to leave campus and work remotely. While the Station would have normally operated its in-person, student-run format until the end of May, the pandemic forced the Station to operate in an automated mode from March 2020 onward with regular monitoring by student administrators.

On August 10, 2020, a tremendous and destructive storm system known as a derecho moved through central Iowa causing tremendous damage to buildings, roads and wide-spread power outages throughout the region. Grinnell, Iowa, was left without power for at least six days with some areas without power for more than eleven days. During this time, Grinnell faculty and staff were not permitted on campus to examine the damage caused to the College, and most local residents focused on recovering from their personal challenges caused by the August Derecho.

As a result of the widespread power outages, it was not until approximately, August 18, 2020, that school administrators realized that the Station's facilities were damaged by the August Derecho. While the Station's studio did not suffer substantial damage, school administrators found that the Station's tower was severely damaged and hanging from the side of the supporting building.

On September 3, 2020, Grinnell notified the FCC that the Station was off-air due to the August Derecho, and that the antenna had been removed from the Station's transmitter site on August 31, 2020. Subsequently, Grinnell filed a

Request for Special Temporary Authority to remain silent on September 30, 2020.<sup>3</sup> The FCC granted the STA Request on December 8, 2020, with had an expiration date of June 6, 2021.<sup>4</sup>

Additionally, on October 1, 2020, Grinnell filed an application for the renewal of the Station's license and correctly answered "no" to the question asking whether the Station was currently on the air.<sup>5</sup> Because the STA Request had yet to be granted, Grinnell attached a copy of the September 3, 2020, notification that the Station was off the air.

Between September 2020 and June 2021, Grinnell reported the property damage to its insurance company and sought bids for the repair to the Station's damaged tower. Moreover, Grinnell's facilities management team, the station engineer (who resides in another city), and Murphy Tower (the company designated to manage the station repairs) met several times to coordinate efforts to return the Station to licensed operations.

As discussed in the attached Declaration, the Dean of Student Involvement, Mr. Michael D. Sims, understood that once the repairs were completed, the station engineer and/or Murphy Tower would file the proper notice with the FCC.<sup>6</sup> Mr.

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<sup>3</sup> See *Notice of Suspension of Operations/Request for Silent STA*, BLSTA - 20200930AFG, filed Sept. 30, 2020 (STA Request).

<sup>4</sup> See *Letter of Victoria McCauley*, Audio Division, Media Bureau, 1800B3-DW, dated December 6, 2020.

<sup>5</sup> See *Application for Renewal of License*, LMS File No. 0000123671, AM/FM/LPFM Certification, "Silent Station" (filed Oct. 1, 2020).

<sup>6</sup> See *Declaration of Michael D. Sims*, attached hereto as Exhibit A.



Sims also believed that the work would be completed prior to June 6, 2021, or the station engineer and/or Murphy Tower would request additional time to complete the repairs and reinstall the antenna. When Grinnell's students returned to campus in late August 2021, Mr. Sims was informed that the repairs were in progress and he understood that the FCC had been made aware of the Station's progress in returning to authorized operations.

Subsequently, Mr. Sims experienced significant health issues that required him to undergo several rounds of medical treatment and required him to take an extended medical leave of absence until August 1, 2022. When Mr. Sims returned to work, he discovered that the FCC had emailed him a letter on April 12, 2022, requesting information regarding the Station's operation.<sup>7</sup> While the April Letter indicated that it was also sent via certified mail, Mr. Sims has been unable to find a hard-copy of the letter. Upon his return, Mr. Sims also found the paper version of the July Decision, and he immediately retained undersigned counsel.

## **DISCUSSION**

Grinnell does not dispute the fact that the Station was silent for more than 12 months. Moreover, the July Decision correctly notes that Grinnell did not respond to the April Letter, and did not seek an extension of the STA Authorization beyond the original expiration date.

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<sup>7</sup> *Letter of Albert Shuldiner, Chief, Audio Division, Media Bureau, 1800B3-CH, dated April 12, 2022 (April Letter).*

As discussed above, these failures are the result of a rare combination of extraordinary events that led to Grinnell failing to request additional time to return the Station to licensed operations. The August Derecho was the direct cause of the Station's going off the air, and the FCC has looked favorably upon licensees that request additional time to resume operations after natural disasters.

Moreover, the COVID-19 pandemic resulted in Grinnell College's campus being closed for most of its students from March 2020 to September 2021. During this time, Grinnell was not required to adhere to the minimum operating schedule for purposes of Section 73.561 of the FCC's rules.<sup>8</sup> Finally, the COVID-19 pandemic led to the short-staffing of the Department of Student Involvement, which was further exacerbated by the extended medical leave of Mr. Sims.

The combined effect of these extraordinary and rare circumstances strongly suggest that the FCC should exercise the discretion provided in Section 312(g) of the Act to promote equity and fairness.

**I. The FCC Has Discretion Pursuant To Section 312(g) To Grant Requested Relief.**

The FCC has previously exercised the discretion afforded in Section 312(g) in connection with radio and television stations in Puerto Rico that were taken off air

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<sup>8</sup> Compare 47 C.F.R. § 73.561(a) ("stations licensed to educational institutions are not required to operate on Saturday or Sunday or to observe the minimum operating requirements during those days designated on the official school calendar as vacation or recess periods.") with *Audio Division Announces Procedures Related to Coronavirus*, Public Notice, 35 FCC Rcd 2070 (2020) ("Noncommercial educational stations that are not able to broadcast during these school closures will not be required to adhere to the minimum operating schedule in section 73.561 of the Commission's rules.")(Coronavirus PN).

for more than 12 months as the result of Hurricanes Irma and Maria.<sup>9</sup> The FCC correctly concluded that stations were silent due to a “compelling reason beyond the licensee’s control” and provided guidance on how licensees could seek additional time to complete their efforts to resume licensed operations. *Id.*

More recently, the Media Bureau provided several examples of when it will exercise its discretion under Section 312(g):

The Commission has granted section 312(g) relief to stations whose facilities were destroyed by natural disasters such as hurricanes; where silence was necessary in furtherance of public safety, where reinstatement of the station’s license was necessitated by court order, or where station silence was the result of governmental closure.<sup>10</sup>

In connection with the August Derecho, the FCC activated the Disaster Information Reporting System on August 12, 2020.<sup>11</sup> The FCC also provided instructions to FCC licensees (including broadcast stations) on the procedures to seek special temporary

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<sup>9</sup> See *Media Bureau Provides Guidance For Broadcast Licensees Still Rebuilding In The Aftermath Of Hurricanes Irma And Maria*, Public Notice, DA 18-901 (rel. August 30, 2018). See also *AO Broadcasting Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 617 (2008) (“This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited”).

<sup>10</sup> See *Lowcountry 34 Media, LLC*, Order and Consent Decree, DA 22-232, para. 19, nt. 33 (rel. March 7, 2022) (citing *V.I. Stereo Communications Corp.*, 21 FCC Rcd 14259, 14262, para. 8 (2006) (reinstating license where silence due to destruction of towers in hurricanes); *Community Bible Church*, Letter Order, 23 FCC Rcd 15012, 15014 (MB 2008) (reinstatement warranted where licensee took all steps needed to return to air, but remained off air to promote air safety after discovering and reporting that FCC and FAA records contained incorrect tower information); *Mark Chapman, Court-Appointed Agent*, Letter Order, 22 FCC Rcd 6578, 6580 (MB 2007) (reinstating license where silence necessitated by licensee’s compliance with court order); *Universal Broadcasting of New York, Inc.*, 34 FCC Rcd 10319 (MB 2019) (finding that station’s inability to file an STA to resume service due to a federal government shutdown was a compelling circumstance under section 312(g)).

<sup>11</sup> See *FCC Activates Disaster Information Reporting for Derecho in Iowa*, Public Notice, 35 FCC Rcd 8734 (2020).

authority to remain silent as a result of the August Derecho.<sup>12</sup> Furthermore, the FCC closely monitored the impact of the August Derecho on communities in Iowa, issuing daily DIRS status reports from August 13 to August 19, 2020.<sup>13</sup> Even when the FCC deactivated the DIRS information collection on August 19, 2020, it stated that it would “continue to monitor the status of communications services and work with providers and government partners as needed to support remaining restoration efforts.”<sup>14</sup>

Grinnell notified the FCC that the Station had been severely damaged on September 3, 2020, and subsequently filed the STA Request to remain silent. At the time of the August Derecho, Grinnell’s campus was closed due to the COVID-19 pandemic, and it remained officially closed for all students to attend classes during the 12-month period after the August Derecho.

Under the Section 312(g) standard for exercising discretion established in *V.I. Stereo Communications Corp, supra*, it is clear that the August Derecho is a natural disaster that warrants consideration of granting additional time beyond the 12-month period for the Station to be silent.

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<sup>12</sup> See *Emergency Communications Procedures for Midwest Derecho Recovery*, Public Notice, 35 FCC Rcd 8730 (2020).

<sup>13</sup> See *Communications Status Report For Areas In Iowa Impacted By The Midwest Derecho*, Public Notice, rel. Aug. 13, 2020 (DOC-366163), Aug. 14, 2020 (DOC-366189), Aug. 15, 2020 (DOC-366197), Aug. 16, 2020 (DOC-366206), Aug. 17, 2020 (DOC-366224), Aug. 18, 2020 (DOC-366249), and Aug. 19, 2020 (DOC-366274),

<sup>14</sup> See *The FCC’s Public Safety & Homeland Security Bureau Announces Deactivation Of The Disaster Information Reporting System For The August 2020 Midwest Derecho*, Public Notice, 35 FCC Rcd 8831 (2020).

## **II. The Commission's Rules Afford Additional Relief for Student-Run, Non-Commercial Educational FM Radio Stations.**

As discussed above, Grinnell closed its campus in March 2020 at the beginning of the COVID-19 pandemic. While Grinnell could have terminated Station operations when its students were sent home, the Station continued to operate until August 10, 2020, by using an automatic feed that was monitored by Grinnell administration staff. Due to the damage caused by the August Derecho and the ongoing pandemic, Grinnell did not open its campus for all students until August 2021, i.e., more than 12 months after the August Derecho, and 18 months after Grinnell closed the campus to all students.

Section 73.561 of the FCC's rules provides noncommercial educational FM stations that are licensed to educational institutions with the flexibility to operate on a reduced schedule when students are not on campus. Specifically, NCE FM stations licensed to educational institutions are not required to operate on "those days designated on the official school calendar as vacation or recess periods."

While Grinnell students were permitted to attend virtual classes from March 2020 to August 2021, the Grinnell campus was closed. Because the Station was student-run, and because the Grinnell campus was closed, it was impossible for students to actively participate in Station operations.

The Media Bureau acknowledged that these circumstances may affect NCE FM stations licensed to educational institutions. In particular, the Media Bureau released a public notice on March 13, 2020, which provided the following relief to affected stations:

A number of colleges and universities have announced closures related to COVID-19. Noncommercial educational stations that are not able to broadcast during these school closures will not be required to adhere to the minimum operating schedule in section 73.561 of the Commission's rules. The Audio Division will classify these school closures as a recess period consistent with section 73.561(a). **If stations do not resume broadcasts within thirty days due to COVID-19 related closures, they will not be required to notify the Commission pursuant to section 73.561(d) or to seek special temporary authority.**<sup>15</sup>

As a result, it should be clear that the Station's silent status from March 2020 to August 2021 was permissible, whether or not the Station had sought an STA after the August Derecho, or an extension of the August Derecho-related STA Request in June 2021.

Thus, not only was the Station's lack of operation from August 2020 to August 2021 excusable in connection with the *Coronavirus PN*, the Audio Division granted implicit Section 312(g) waivers for NCE FM stations run by educational institutions to remain silent for more than 12 months due to the coronavirus commencing in March 2020.

### **III. Media Bureau's April Letter and July Decision Were Issued In Error.**

Both the April Letter and the July Decision were premised on the erroneous conclusion that the Station was required to resume operations by September 1, 2021. Because of this erroneous conclusion, the Station's license was cancelled on June 15, 2022.

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<sup>15</sup> See *Coronavirus PN*, pg. 1 (emphasis added).

First, the April Letter unequivocally stated: “the station's license expired as a matter of law at 12:01 a.m., September 1, 2021.”<sup>16</sup> The April Letter required Grinnell to provide evidence that “the station returned to the air with authorized facilities at some time between August 31, 2020, and 12:01 a.m., September 1, 2021.” However, based on the relief provided in the *Coronavirus PN*, NCE FM stations run by educational institutions were not required to adhere to a minimum operating schedule during the period that the school was closed due to COVID-19. Grinnell’s campus was not opened for all students to return to campus until August 2021. As such, the April Letter’s conclusion that the Station was required to resume operations by September 1, 2021, is flatly incorrect.

Moreover, in the July Decision, the Chief of the Media Bureau stated that the “license of Station KDIC(FM), Grinnell, Iowa...has expired pursuant to section 312(g) of the Communications Act of 1934, as amended (Act).” The July Decision was premised on the Media Bureau’s erroneous conclusion that the Station was required to resume operations by September 1, 2021. However, it should be clear now that the issuance of July Decision was in error in light of the clear evidence that NCE FM stations licensed to educational institutions were not required to operate while their campuses were closed to students, and that NCE FM stations were not even required to seek special temporary authority at any point during that time.

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<sup>16</sup> *July 2022 Warning Letter*, pg. 1.

The fact that Grinnell did file a request for special temporary authority after the August Derecho should not create a different legal standard that was not applied to other NCE FM stations licensed to educational institutions. It is unclear whether the FCC staff has even attempted to monitor those NCE FM stations licensed to educational institutions that ceased broadcasting after the issuance of the *Coronavirus PN*, but Grinnell should not be held to a higher legal standard than those stations that did cease broadcasting without seeking STAs in accordance with the *Coronavirus PN*.<sup>17</sup>

**IV. The Media Bureau Should Rescind The July Decision To Promote Equity and Fairness.**

In light of these considerations, the Media Bureau should rescind the Letter Decision and reinstate the Station's license *nunc pro tunc*. It should be evident that the sole basis for issuing the April Letter and the July Decision was the mistaken belief by the Media Bureau that the Station was required to resume operations by September 1, 2021. Grinnell has demonstrated that this premise was incorrect in light of the *Coronavirus PN* that afforded additional flexibility to NCE FM stations run by educational institutions.

Moreover, the Media Bureau has acknowledged that damage caused by natural disasters can serve as a "compelling reason beyond the licensee's control" for the Media Bureau to grant additional time to resume operations pursuant to

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<sup>17</sup> See *Melody Music, Inc. v. FCC*, 345 F.2d 730 (D.C. Cir. 1965) (holding that the Commission acted arbitrarily and capriciously when it treated two similarly situated licensees differently without an adequate explanation for doing so)).



Section 312(g) of the Communications Act. Coupled with the legal significance of the Media Bureau granting blanket Section 312(g) waivers to NCE FM stations licensed to educational institutions while their campuses were closed due to the pandemic, the fact that the Station ceased operations due to the damage caused by the August Derecho only reinforces the justification for the Media Bureau to grant additional time for the Station to resume operations to promote equity and fairness as authorized by Section 312(g) of the Act.

Grinnell acknowledges that repairs to the Station's equipment have taken longer than expected, and that its administrative staff was not responsive to the FCC's request for additional information. However, with Grinnell's employees working remotely as a result of both COVID-19 and the August Derecho, these lapses are not indicative of a willful attempt to evade FCC oversight. Mr. Sims, the employee with direct oversight obligations of the Station, was informed that the Station's repairs were occurring in the summer of 2021 and that the necessary paperwork had been filed with the FCC.

Subsequently, Mr. Sims received a medical diagnosis in October 2021 that resulted in intensive medical treatments during the fall of 2021 that resulted in an extended medical leave until August 1, 2022. During this time, Mr. Sims' office was monitored by administrative staff that did not fully appreciate the importance of the FCC's April Letter, and did not relay the FCC's inquiries to Mr. Sims or other supervisors. Accordingly, Grinnell failed to seek an extension of the special

temporary authority after the students returned to Grinnell campus at the end of August 2021.

Mr. Sims' medical emergency is distinguishable from the findings made in *New Visalia* that the licensee was not entitled to Section 312(g) discretion because there was no evidence that the licensee was "incapacitated during the one-year period when the station was silent or that health problems prevented the principals from resuming operations during this period despite diligent efforts to do so."<sup>18</sup> In the instant case, from October 2021 when Mr. Sims received his medical diagnosis, to August 1, 2022, when Mr. Sims returned from his medical leave, the lack of response to the FCC's inquiry and the failure to complete the necessary repairs to the Station are the direct result of Mr. Sims' medical issues.

Upon returning to work in August 2022, Mr. Sims immediately undertook efforts to respond to the FCC's action, and has taken the necessary steps to ensure that the Station is able to complete the equipment repairs and return the Station to licensed operations. In particular, Mr. Sims has been advised that Murphy Tower can construct a replacement tower, install it at the Station's transmitter site, and complete the installation of remaining equipment within five months. These efforts can commence immediately upon the grant of the relief requested herein.

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<sup>18</sup> See *New Visalia Broadcasting, Inc.*, Memorandum Opinion and Order, 29 FCC Rcd. 9744, 9745 (2014).

## CONCLUSION

In light of foregoing, Grinnell College Trustees of Iowa respectfully requests that the Media Bureau (i) reconsider the dismissal of its application for the renewal of license for Station KDIC(FM), Grinnell, Iowa, and (ii) reinstate the license for Station KDIC(FM) *nunc pro tunc*.

Respectfully submitted,

**GRINNELL COLLEGE  
TRUSTEES OF IOWA**

By:   
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August 15, 2022

**EXHIBIT A**

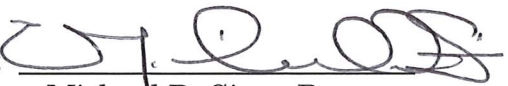
## DECLARATION

I, Michael D. Sims, Dean of Student Involvement, Grinnell College, do hereby declare, under penalty of perjury, the following:

1. I have served as the Dean of Student Involvement at Grinnell College since 2021, and have worked at Grinnell College since 1997.
2. In my role as the Dean of Student Involvement, I am responsible for managing the campus center and the student event center; coordinating all-campus events, Student Government Association (SGA) concerts, films, the Student Activity Fun, Student Workshops (Ceramic and Photography), Station KDIC(FM) (the "Station"), the Student Publications and the contracts for performances and speakers.
3. On August 10, 2020, Grinnell College and much of central Iowa was hit by a tremendous and destructive storm system known as a derecho, causing extensive damage to the college and surrounding community.
4. After the derecho, I took steps to verify whether the "Station was damaged. On August 18, 2020, I learned that the Station's antenna was severely damaged and was hanging off the side of the building where it had been installed.
5. On September 3, 2020, I sent notice to the Federal Communications Commission (FCC) that the Station had been damaged by the derecho. On September 30, 2020, I filed a Request for Special Temporary Authority to remain silent, along with the Application for Renewal of License. Because the Station was silent, I answered "No" to the question asking whether the Station was currently on the air, and provided a copy of the September 3, 2020, Notice with the application.
6. Subsequent to the filing of the license renewal application, I coordinated with my colleagues in the Facilities Management Department, our outside engineer, and a local tower company, Murphy Tower, to report the Station damage to our insurance company, and to begin the repairs.
7. In the Spring of 2021, I was informed by my colleagues and Murphy Tower that they were working to have the antenna repaired, ordering replacement equipment and that the work would be completed soon.
8. I was also told that once the repairs were completed, either the station engineer or Murphy Tower would file any required documentation with the FCC. Based on this information, I believed that the FCC was informed of these efforts.

9. In October 2021, I received a medical diagnosis that required immediate, significant testing and treatment, and resulted in me taking an extended medical leave of absence. I returned to Grinnell College on August 1, 2022
10. Unfortunately, while I was on extended medical leave, my department was substantially short-staffed. As a result, the April 12, 2022, email from the FCC was only reviewed by my assistant, Nancy Guinane, and she did not forward the email to me, or any other supervisors at Grinnell College.
11. Upon my return to the office on August 1, 2022, I found the July 15, 2022, Letter Decision from the FCC in a pile of mail that had been placed on my desk for my return.
12. Immediately thereafter, I retained FCC counsel, and learned from my colleagues in the Facilities Management Department that the repairs to the Station have yet to be completed.
13. I have been advised by the Facilities Management Department that Murphy Tower will require three to four months to complete the construction of the Station's replacement tower, and one month to complete the installation of the repaired equipment. As such, subject to FCC approval, the Station can resume operations within five months. I have been advised that this work can begin immediately should the FCC grant the requested relief.
14. I have reviewed the Petition for Reconsideration and Request for Reinstatement Nunc Pro Tunc to be filed with the FCC on August 15, 2022, and I certify that the facts presented therein are true and correct to the best of my knowledge.

Respectfully submitted:

By:   
Michael D. Sims, Dean  
Department of Student Involvement  
Grinnell College

August 15, 2022

## **CERTIFICATE OF SERVICE**

I hereby certify that, on August 15, 2022, a true and correct copy of the foregoing “Petition for Reconsideration and Request for Reinstatement Nunc Pro Tunc” was caused to be served upon the following individuals via electronic mail:

Holly Saurer, Chief  
Media Bureau  
Federal Communications Commission  
45 L Street, N.E.  
Washington, D.C. 20554

Albert Shuldiner, Chief  
Audio Division, Media Bureau  
Federal Communications Commission  
45 L Street, N.E.  
Washington, D.C. 20554

/s/ Lee G. Petro  
Lee G. Petro  
Pillsbury Winthrop  
Shaw Pittman LLP