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PHILADELPHIA, PA 19103

April 11, 2022

via EMAIL (Victoria.McCauley@fcc.gov)

Marlene Dortch, Secretary
Federal Communications Commission
Office of the Secretary
45 L Street NE
Washington, DC 20554
Attn: Victoria McCauley,
Audio Division, Media Bureau

**Re: WXBK(FM), Newark, New Jersey (FIN 20886)
FCC File No. 0000131143
FRN 0004434866
Supplement to Request for Tolling**

Dear Ms. Dortch:

At the request of Media Bureau staff, Audacy License, LLC (“Audacy”), licensee of the above-referenced station (the “Station”) and permittee of the above-referenced construction permit (the “Permit”), is supplementing its March 30, 2022 request to toll the expiration of the above-referenced construction permit (the “Permit”) for a period of six (6) months.

Enclosed is a timeline showing that Audacy has taken significant steps to meet the Permit deadline. But, unforeseen supply chain issues, office closures and work backlogs stemming from the COVID-19 pandemic have caused significant delays. Those delays are also detailed in the timeline. The most significant of those delays includes delivery of the guy wire insulators, resolution of a transmitter site dispute between the tower site owner and another tower tenant, and governmental approvals. Delivery of the guy wire insulators, which were ordered in February 2021, and necessary for all other tower work to commence, was delayed multiple times. The delay was directly caused by the COVID-19 supply chain issues. A COVID-related furlough of the other tenant’s real estate attorney contributed to the delayed resolution of the transmitter site lease dispute.¹ Governmental approvals for zoning and building permits, which were taking an upwards of 120 days pre-COVID, have been taking significantly longer because of office closures, remote work, and approval request backlogs.

Since filing the initial tolling request, Audacy has received clearance from the Army Corp of Engineers, as well as the zoning approval and building permits from both the New

¹ In the March 30, 2022 request, Audacy noted that the ongoing dispute between the tower site owner and other tenant took nearly a year to resolve. The dispute actually took more than a year to resolve.



Jersey Sports and Exposition Authority (“NJSEA”) and Borough of Rutherford (“Borough”), which allows Audacy to move forward with the tower and antenna work. A tower crew is scheduled to begin work the first week in May. That work is expected to take approximately ten weeks, assuming no weather or other unforeseen delays.

To complete the buildout, Audacy must also make modifications to the transmitter site building and install the transmission line to the tower. That work required separate zoning approval (which was obtained) and separate building permits from the NJSEA and Borough. The zoning approval, which Audacy received at the end of last week, was a prerequisite for obtaining the building permit from the NJSEA and the NJSEA building permit is a prerequisite for obtaining a building permit from the Borough. These two remaining building permit approvals are expected to take approximately four weeks. Once issued, construction of the building and running the transmission line to the tower is expected to take approximately ten weeks, assuming no weather delays. A construction crew is on standby to begin work on the building as soon as Audacy receives the building permit.

As the enclosed timeline demonstrates, significant progress has been made to complete construction. Without the delays caused by COVID-19, Audacy believes it likely would have met the Permit deadline. However, the unanticipated impact that the pandemic had on the project has caused significant delays, which has necessitated the extra time to complete the buildout.

In accordance with the instructions set forth in *Audio Division Announces Procedures Related to Coronavirus*, Public Notice, 35 FCC Rcd 2070 (Mar. 13, 2020), Audacy is submitting this supplement via email.

Please contact me at laura.berman@audacy.com or 202.571.6555 if there are any questions or if additional information is required.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura Berman', with a long horizontal flourish extending to the right.

Laura Berman
Vice President, Legal

Enclosure

WXBK (WNSH)

Signal Relocation Events Timeline

Date	Event
February 13, 2019	Audacy License, LLC ("Audacy") (then Entercom License, LLC) files the initial modification application (FCC File No. BPH-20190213ABC) (the "Initial Mod"), which is contingent upon Audacy acquiring the station in connection with FCC File No. BALH-20190213AAQ
March 15, 2019	Audacy files an amendment to the Initial Mod
April 29, 2019	Audacy contracted with ERI for structural analysis of the proposed tower
May 9, 2019	Audacy acquires the station
May 15, 2019	Initial Mod granted
December 2019	Audacy signs tower site lease and dispute begins between tower owner and another tenant at the site regarding Audacy's use of the building at the tower site
March 2020	Audacy contracts with consulting engineer (March 6) and signs tower inspection (March 11) proposal; COVID-19 then declared a global pandemic. Dispute between tower owner and other tenant continues, however, the primary contact at the other tenant was placed on furlough through the end of June 2020 as a result of COVID-19, delaying resolution on the matter.
November 1, 2020	Signed contract with builder for interior renovations. Initiated orders on long lead items that are in their scope of work. Items received in a timely manner.
December 2020	Dispute between tower owner and other tenant, Audacy begins paying monthly rent for the site.
January 13, 2021	Audacy files modification to the Initial Mod (FCC File No. 0000131143) (the "Permit") to correct the tower
February 8, 2021	Audacy signs a tower repair, reinforcement, and antenna purchase proposal; orders various equipment, including transmitter and guy wire insulators. Required deposit payments made.
March 2, 2021	CP Modification granted by the FCC
June 11, 2021	Despite continuing dispute between tower owner and other tenant, Audacy files for initial building permit for building interior work filed with NJSEA based on informal agreement with other tenant. Audacy is advised that no permit would be needed for an antenna attachment on the tower. At this time the NJSEA offices were closed as a result of COVID and all application reviews were being conducted using electronic application and plan submissions, which was more cumbersome and time consuming than during non-COVID times. In addition, the building permit application required additional zoning submissions to the Land Use division of the NJSEA, which was also being done remotely. The two divisions had to coordinate review, which was slowed because of the COVID-mandated remote work.
July 15, 2021	Received antenna and tower work projected timeline, which was expected to commence September 7, 2021 and be completed on October 2, 2021
July 28, 2021	Audacy submits zoning occupancy application to NJSEA. The landlord was delayed in signing the zoning application, which led to delays in filing.
August 2021	Dispute between tower owner and other tenant finally resolved, clearing the way for Audacy to comfortably move forward with building permit plans for the transmitter site building.
August 17, 2021	Audacy received word that delivery of the guy wire insulators, which were ordered in February, would be delayed because of supply chain issues. The estimated delivery date was pushed to late September / early October. The tower work could not commence without delivery of this equipment.

August 18, 2021	Audacy began installation of helical transmission line supports, but had to stop working when the NJSEA decided that an additional wetland review would be needed for this work.
September 1, 2021	Notified by NJSEA that a full review would be required for all work. Stopped transmission line support work.
September, 2021	Purchased associated broadcast equipment, including remote control, racks and audio processing. All equipment subsequently delivered.
October 25, 2021	Insulator delays continue as a result of COVID-supply chain issues. New arrival date estimated to be November 15, 2021
November 1, 2021	In meeting with NJSEA, we were advised again that tower work can proceed, independent of ongoing zoning review.
November 9, 2021	Conducted required FCC Partial Proof measurements on WOR pattern in advance of antenna work on the WOR AM tower the tower on which WXBK will be co-located.
November 29, 2021	The NJSEA offices briefly reopened, but were closed within weeks because of the Omicron variant.
January 7, 2022	Transmitters delivered. The transmitters that the vendor originally had on hold for Audacy were used for another broadcaster that needed transmitters in an emergency and would have otherwise had to wait because of COVID-related supply chain issues.
January 17, 2022	Guy wire insulators, which were ordered in February 2021, but delayed multiple times because of COVID-19 supply chain issues, were delivered. Tower crew scheduled to begin work in mid-March, which was the earliest available time due to a backlog of other work.
January 31, 2022	NJSEA offices formally reopened for employees, but, to date, remain unopened for in-person meetings with applicants.
February 2022	NJSEA requests a separate application for antenna installation despite explicitly informing Audacy in June 2021 that no application was necessary for the antenna, which forces Audacy to postpone the tower work scheduled for mid-March.
February 28, 2022	Audacy reschedules tower work to commence the first week in May.
March 17, 2022	Audacy meets virtually with representatives of NJSEA to discuss the antenna work on the tower.
March 24, 2022	NJSEA releases approval for antenna and tower work to the Borough of Rutherford
March 30, 2022	The Borough of Rutherford authorizes permit for antenna and tower work
April 1, 2022	NJSEA zoning approved pending final review of a building plan review and a final determination from the Army Corp of Engineers.
April 7, 2022	Audacy receives approval from Army Corp of Engineers
April 8, 2022	Audacy receives NJSEA zoning certificate