



Federal Communications Commission  
Washington, D.C. 20554

April 14, 2022

Sent via electronic mail

*In reply refer to: 1800B3-VM*

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In re: **WXBK(FM), Newark, NJ**  
Facility ID No. 20886  
File No. BPH-20190213ABC

Tolling Request

Dear Ms. Berman:

On June 17, 2021, we received your request on behalf of Audacy License, LLC (Audacy) for tolling of the construction deadline for the referenced construction permit for FM Station WXBK, Newark, New Jersey (Station), granted on May 15, 2019 for a three-year term expiring on May 15, 2022. For the reasons below, we grant Audacy's tolling request for a 120-day period.

Audacy's tolling request is based on COVID-related delays and supply chain disruptions. Audacy states that it has taken significant steps to meet the construction permit deadline, and that it had previously ordered equipment to complete construction. The most significant of those delays includes delivery of the guy wire insulators, necessary for all other tower work to commence, and ordered in February 2021, were delayed multiple times directly due to COVID-19 supply chain issues. These were delivered on January 17, 2022. COVID-related delays in scheduling tower crews have pushed the start date of tower and antenna work to the first week of May. That work is expected to take 10 weeks.<sup>1</sup>

This request falls within one of the criteria for tolling in 47 CFR §73.3598(b)(1) and is granted.

Based on the tolling request, we have determined that Audacy has made diligent efforts to complete construction prior to the construction permit's expiration date. We have also determined that completion has been delayed by COVID-19 related delivery backlogs and supply chain problems, which are circumstances outside of the permittee's control. Based on these factors, we grant the request and toll the permit for 120 days to allow the Station to complete construction and file a license application.

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<sup>1</sup> Audacy also mentions delays in getting zoning approvals due to COVID, and a tower lease dispute with another tenant and the owner. It also notes that to complete the buildout, Audacy must also make modifications to the transmitter site building and install the transmission line to the tower, which awaits building permit approvals which are expected to take approximately four weeks. Once the building permit is 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. We note that site disputes and zoning and building permit approvals are not a basis for tolling, unless they are the subject of a court matter. However, we will not deny tolling on this basis because the COVID-related supply chain delays are a sufficient basis to grant tolling.

Accordingly, the permit's new expiration date is September 15, 2022.

Sincerely,

*Albert Shuldiner*

Albert Shuldiner  
Chief, Audio Division  
Media Bureau