



Federal Communications Commission  
Washington, D.C. 20554

October 27, 2009

Kathleen Victory, Esq.  
Fletcher, Heald Hildreth, PLC  
1300 North 17th Street  
11th Floor  
Arlington, VA 22209

Re: KDMI, Des Moines, IA  
WWAZ-TV, Fond du Lac, WI  
Request for Tolling  
Facility ID 78915 and 60571

Dear Ms. Victory:

This concerns your June 3, 2009 letter filed on behalf of W\ATAZ License, LLC, licensee of WWAZ-TV, Fond du Lac, Wisconsin, and KDMI License, LLC, licensee of KDMI, Des Moines, Iowa, requesting that the expiration date for the digital television (DTV) construction permits (File Nos. BMPCDT-20040209ABG and BMPCDT-20090423ABJ, respectively) for these stations be tolled. For the reasons set forth below, we grant your request and the toll the expiration of the stations' digital construction permits. The subject digital construction permits expire on August 18, 2009. You state that the stations qualify' for tolling because their licensees are the subject to an ongoing bankruptcy proceeding. Accordingly, you request that the subject construction permits be tolled. 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. See Implementation of DTV Delay Act, Second Report and Order and Order and Notice of Proposed Rulemaking, FCC 09-11, released February 20, 2009. Section 73.3598 provides that a construction permit deadline may be tolled under specific circumstances such as acts of God or delays due to administrative or judicial review. The Commission has also determined that Section 73 .3598(b)(2) would toll the construction deadline for a station that could not build because of a pending bankruptcy court action. Since the stations' licensee are subject to ongoing bankruptcy proceedings, and that such proceedings have prevented construction of the stations' digital facilities, we find that the stations DTV construction deadlines should be tolled until completion of the bankruptcy proceedings. The above facts considered, the tolling requests ARE GRANTED and the DTV construction deadlines for WWAZ-TV, Fond du Lac, Wisconsin, and KDMI, Des Moines, Iowa, ARE TOLLED until six months from termination of the subject bankruptcy proceedings.

Sincerely,

Clay C. Pendarvis

Associate Division Chief  
Video Division  
Media Bureau