

*Law Office of*  
**DENNIS J. KELLY**  
*Post Office Box 41177*  
*Washington, DC 20018*

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PRACTICE LIMITED TO FEDERAL COURTS AND AGENCIES

TELEPHONE: 888-322-5291  
202-293-2300

TELECOPIER: 571-312-1601  
E-MAIL: dkellyfcclaw1@comcast.net

January 19, 2016

**Accepted/Files**

Honorable Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

**JAN 19 2016**

Federal Communications Commission  
Office of the Secretary

Attention: Victoria McCauley, Esquire  
Audio Division, Media Bureau

**RE: WLDG(FM), Grove Hill, Alabama**  
**FCC Facility ID # 86328**  
**File No. BPED-20120313AEE**  
**Request for Waiver of 47 CFR §73.3598(a)**

Dear Madame Secretary:

On behalf of our client La Promesa Foundation (LPF), the new licensee of non-commercial educational FM Broadcast Station WDLG, Grove Hill, Alabama, there is transmitted herewith in triplicate a request for a waiver of Section 73.3598(a) of the Commission's Rules for a thirty (30) day extension of time in which to complete construction of the modified facilities for Station WDLG authorized on January 22, 2013 in File No. BP-20120313AEE. The current expiration date of said construction permit is Friday, January 22, 2016. This request is being filed out of an abundance of caution, as both a substantial amount of money has been expended to date in the acquisition of the directional FM antenna required for the project authorized in the above-referenced file number.

On January 8, 2016, LPF consummated its acquisition of seven primary stations formerly licensed to Divine Word Communications, including WDLG, pursuant to authority granted by the Commission on December 22, 2015 in File Nos. BAL-20151016AFR et seq.

In the time since the Commission action of December 22, 2015, LPF has acquired a new FM transmitter from BW Broadcast of Croydon, United Kingdom and the required directional antenna from Propagation Systems, Inc. of Ebensburg, Pennsylvania. LPF arranged for a tower crew to perform the installation today (January 19, 2016). That crew is on site in Alabama today. However, an unexpected dispute with the land/tower owner has prevented the installation from taking place.

It is our hope to resolve the issues with the land/tower owner so that the installation can be completed and the FCC Form 302-FM application be filed by Friday, January 22, 2016. However, out of an abundance of caution, we are requesting an additional thirty (30) days to complete construction.

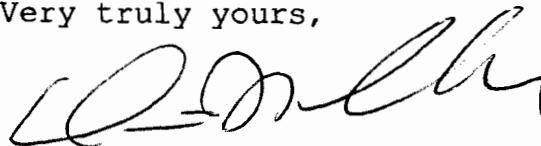
The Commission's standard for waiver of Section 73.3598 of its Rules is that it will waive the broadcast construction period for "rare and exceptional circumstances beyond the permittee's control". Under this standard, the Commission has granted a thirty (30) day extension to permittees that have "substantially constructed authorized facilities, only to have circumstances beyond their control prevent timely final completion".

Based on Audio Division precedents, LPF and WDLG would qualify for such a thirty day extension. See, e.g., **Letter to John Trent, Esq. re WQBQ(FM), Leesburg, Florida** (MB, December 28, 2004) (30-day waiver was granted for applicant that fully constructed prior to construction deadline but could not immediately file license application; **Letter to Dan Alpert, Esq. re KANS(FM), Osage, Kansas** (MB, June 20, 2003) (30-day waiver was granted to applicant which was unable to complete the final 99 feet of a 499 foot tall tower by the construction deadline). The undersigned has knowledge that the Audio Division in 2012 granted similar waivers of Section 73.3598(a) for thirty day extensions of the construction permits for KTXW(AM), Manor, Texas (Facility ID #160615; no letter sent), for KFOY(AM), Sparks, Nevada (Facility ID # 160030; letter of Peter H. Doyle, Esq. dated April 26, 2012), and for WFJS(AM), Trenton, New Jersey (Facility ID #53443, granted by e-mail, no letter sent).

It is still hoped that the construction of the modified WDLG facility can be accomplished by January 22, 2016, but as shown above there are "rare and exceptional circumstances" that are hindering completion of construction. It is therefore requested that the Commission waive Section 73.3598(a) to permit an additional thirty (30) days, until and including February 21, 2016, to complete the construction of WDLG.

Should additional information be desired in connection with the above matter, kindly communicate with this office.

Very truly yours,



Dennis J. Kelly