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Federal Communications Commission
Office of the Secretary

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.; Room TWD-204
Washington, D.C. 20554

Re: **W231DF (Facility ID No. 139817)**
Montgomery, AL
Construction Permit BMPFT-20160415ABR
Pending Application File No. BMPFT-20160831ABD
Pending Assignment Application File No. BAL-20160906ACV

Notice of Tolling Event and Request for Tolling

Dear Ms. Dortch:

Pursuant to Section 73.3598 of the Commission's Rules, and on behalf of Autaugaville Radio, Inc. ("ARI"), proposed permittee of unbuilt FM Translator Station W231DF at Montgomery, Alabama, we hereby submit in triplicate this request for the tolling of the authorized period of construction for underlying Construction Permit BMPFT-20160415ABR as proposed to be modified by pending application BMPFT-20160831ABD (hereinafter referred to as "Construction Permit").

Currently Shelby Broadcast Associates, LLC ("Shelby") is the holder of the Construction Permit. On September 6, 2016, Shelby filed an application to assign Radio Station WNZZ-AM and unbuilt FM Translator Station W231DF to ARI. See, *BAL-20160906ACV*. A few days prior to that, Shelby filed an application to modify the W231DF facilities to a new transmitting site, and to propose fill-in service operations for Radio Station WNZZ-AM. See, *BMPFT-20160831ABD*.

Application BMPFT-20160831ABD was filed in accordance with the Commission's *Public Notice DA 1491 (released December 23, 2015), Media Bureau Announces Filing Dates and Procedures for AM Station Filing Window for FM Translator Modifications and Availability of FM Translator Technical Tools*.

The Construction Permit is scheduled to expire on November 22, 2016. However, the Commission's approval of the sale of WNZZ-AM and unbuilt W231DF to ARI is not expected to

be approved and consummated until after November 22, 2016. Therefore, pursuant to footnote 36 of *Revitalization of the AM Service*, 30 FCC Rcd 12145 (2015), ARI seeks waiver/tolling of the expiration deadline to the longest period permitted by the Commission.

Attached is a Declaration from the President of Autaugaville Radio, Inc. wherein ARI commits to promptly construct BMPFT-20160831ABD once that application is approved by the Commission and such action becomes final and no longer subject to an appeal.

Based upon the foregoing, ARI respectfully submits that good cause exists to grant the tolling of the expiration of the Construction Permit.

Respectfully submitted,



Cary S. Tepper
Counsel for
Autaugaville Radio, Inc.

Attachment

cc: Victoria McCauley, Esq. (FCC – by email)
James Bradshaw (FCC – by email)

Declaration of Roscoe Miller

Roscoe Miller, under penalty of perjury, declares as follows:

I am President and 100% owner of Autaugaville Radio, Inc. ("ARI"), the proposed assignee of Radio Station WNZZ-AM at Montgomery, Alabama and unbuilt FM Translator Station W231DF at Montgomery, Alabama pursuant to pending application BAL-20160906ACV.

ARI commits to promptly construct the modified FM translator station. ARI commits to commence construction within 30 days of receipt of a final, non-appealable construction permit for the modified facilities, by ordering an antenna, feedline and transmitter, and to complete construction within three months following the receipt of the equipment.

Executed this 8th day of September, 2016



Roscoe Miller