

 **Fletcher, Heald & Hildreth**

KARYN K. ABLIN
KEENAN P. ADAMCHAK
ROBERT J. BUTLER
HARRY F. COLE
ANNE GOODWIN CRUMP
MARK C. DeSANTIS
DONALD J. EVANS
PAUL J. FELDMAN
KEVIN M. GOLDBERG
DAVID M. JANET
FRANK R. JAZZO
M. SCOTT JOHNSON
DANIEL A. KIRKPATRICK
TONY S. LEE
CHENG-YI LIU
STEPHEN T. LOVELADY
SUSAN A. MARSHALL
MICHELLE A. McCLURE
MATTHEW H. McCORMICK
FRANCISCO R. MONTERO
DAVINA SASHKIN
LAURA A. STEFANI
JAMES U. TROUP
KATHLEEN VICTORY

1300 NORTH 17th STREET, 11th FLOOR
ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400
FAX: (703) 812-0486
www.fhhlaw.com
www.commlawblog.com

PLEASE STAMP
AND RETURN
THIS COPY TO
FLETCHER, HEALD & HILDRETH

RETIRED MEMBERS
VINCENT J. CURTIS, JR.
RICHARD HILDRETH
HARRY C. MARTIN
GEORGE PETRUTSAS
JAMES P. RILEY

OF COUNSEL
THOMAS J. DOUGHERTY, JR.
ROBERT M. GURSS*
KATHRYN A. KLEIMAN
MITCHELL LAZARUS
PETER TANNENWALD
ROBERT M. WINTERINGHAM

January 8, 2018

MATTHEW H. McCORMICK
(703) 812-0438
McCORMICK@FHHLAW.COM

* NOT ADMITTED IN VIRGINIA

BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

ACCEPTED/FILED

JAN - 8 2018

Federal Communications Commission
Office of the Secretary

**Re: Mt. Rushmore Broadcasting, Inc.
Station KMLD, Casper, WY
Facility ID No. 11927
BPH-20141215ABT
REQUEST TO TOLL CONSTRUCTION PERIOD**

Dear Ms. Dortch:

Mt. Rushmore Broadcasting, Inc. ("MRBI"), licensee of Station KMLD (FM), Facility ID No. 11927, Casper, Wyoming, herein requests, pursuant to Section 73.3598(b) of the FCC's rules, that the construction period for outstanding construction permit for modification of KMLD (BPH-20141215ABT) be tolled. The construction permit is currently set to expire January 20, 2018. For the reasons set forth below, MRBI asks that the expiration date be extended until weather conditions at the transmitter site permit the completion of construction.

Background: The KMLD construction permit specifies a tower (the "Tower") located on a mountain. The Tower was owned one half-by MRBI and one half by another party – the licensee of a Casper television station. MRBI already has three FMs on the Tower. Locating KMLD, which was acquired, in 2000, on the Tower would best serve both the listening public and MRBI. Although MRBI had reasonable assurance of the availability of space on the Tower, the equipment for KMLD could not be ordered until a binding agreement was reached with the other owner. That agreement, under which the other party sold its interest in the Tower and removed the television station's equipment, was not finalized until mid-2017.

Promptly thereafter the KMLD equipment was ordered. Because three other FM stations are located on the Tower, the equipment had to be custom manufactured. Numerous issues arose in the manufacturing of both the antenna -- which had to be remanufactured due to an error -- and the transmitter. The exact measurements of the Tower were required for the manufacturing of the custom antenna. It took two attempts to climb the Tower to gather those measurements. MRBI's goal had been to have the equipment on site by September 2017. With the error in manufacturing of the antenna and the need to gather exact measurements, delivery was delayed by approximately two months.

But eventually, all the equipment was available at the Tower site as of November 5, 2017.

MRBI then has had to deal with the weather conditions at the site. Because of snow, there is limited time each year for access to the Tower site -- typically mid-May to mid-October, sometimes a bit later. But in addition, the wind at the site makes scheduling and completion of work on the Tower very difficult at any time. Wyoming is well known to have some of the strongest winds in the United States.

Attempts, with a crew of four, to seat the antennas were made. There were three attempts with the entire crew. On all three occasions, the wind was too strong to allow mounting of the antenna. Another attempt was made with a two-person crew. But the crew's truck got stuck in the snow, and it took two hours to dig the truck out.

As of now, the snow at the site precludes access. There is more snow at the site now than in many, many years. Indeed, the site cannot even be reached with a snow cat, let alone the equipment needed to hoist the antenna. Moreover, it is very, very cold at the site. Simply stated, weather conditions are preventing completion of construction of the facilities specified in the KMLD construction permit.

The fact recited herein are supported by the attached declaration of Jan Charles Gray, President of MRBI.

Accordingly, MRBI asks that the construction period be tolled. Specifically, MRBI asks that it be given 42 days (i.e., the 30 days prior to the filing of this request plus the 12 days remaining on the construction permit) to complete construction once conditions at the site permit MRBI's tower crew to access the site with the equipment necessary

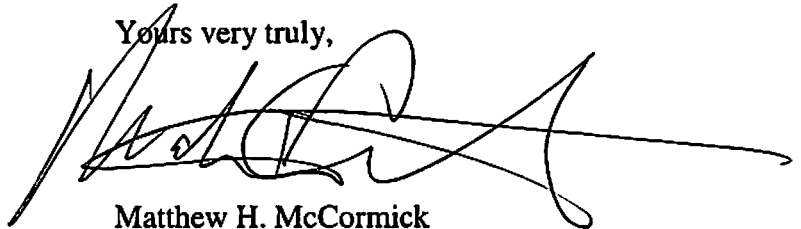
MRBI certifies that neither it nor any party to MRBI is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

January 8, 2018

Page 3

Should further information be needed, please communicate with the undersigned.

Yours very truly,



Matthew H. McCormick
Counsel for
Mt. Rushmore Broadcasting, Inc.

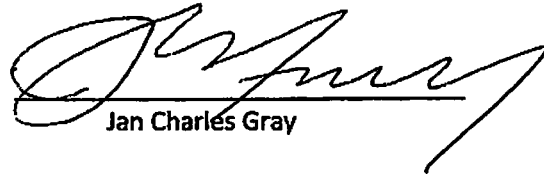
cc: Victoria McCauley, FCC Audio Division (Victoria.McCauley@fcc.gov)

DECLARATION

I, Jan Charles Gray, declare under penalty of perjury, as follows:

1. I am President of Mt. Rushmore Broadcasting, Inc., licensee Station KMLD (FM), Facility ID No. 11927, Casper, Wyoming, among other radio stations.
2. I have reviewed the foregoing request to toll the construction period specified in the outstanding construction permit to modify the facilities of KMLD (BPH-20141215ABT). The facts recited therein are true and correct to the best of my knowledge.

Executed this 8th day of January, 2018.



Jan Charles Gray