

The Law Office of  
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October 18, 2018

**Accepted / Filed**

**OCT 18 2018**

**Federal Communications Commission  
Office of the Secretary**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Washington, DC 20554

**Re: Station KTHE(FM)  
File No. BMPH-20181010AAJ  
Facility No. 198631  
Llano, TX**

Dear Ms. Dortch:

Township Media, LLC, permittee of the above-referenced station, by its attorney, hereby requests tolling with respect to the construction deadline for the above-referenced construction permit. With respect thereto, the following is stated:

As reflected by the attached, crippling record rainstorms in south central Texas have entirely paralyzed the ability to complete construction of this facility with the currently specified deadline. This is due to circumstances beyond the control of Township Media. As seen in Attachments 1-2, there has been record flooding in Texas Hill Country on Llano River (which commenced on September 7, 2018), which has resulted in widespread flooding and property damage, including a major bridge collapse into Kingsland. An indeterminate number of days of additional rain still are predicted to occur in the coming days. Although all necessary equipment has been ordered or else already has been delivered, this record flooding has affected the ability of Township Media to complete construction of two construction permits currently under construction by Township Media.

Specifically, two tower sites, for construction permits owned by Township, for Stations KMSN (File No. BMPH-20180717ABQ) and KTHE (File No. BMPH-20181010AAJ), are each right in the thick of the flood areas. At both sites, tower climbers are not able to climb during these weather conditions, and because these adverse conditions now have existed for several weeks, tower climbers are now not willing to make themselves available on an ongoing basis to perform the necessary work. Moreover, it is believed that even when the adverse weather abates and the area dries out some, basic services like electric hook ups (meter installation to the buildings nearby the sites) and most other services in the area will be affected as utilities and support services try and get local residents that have been under water back on line.

In short, roads are out, bridges are out, and the local infrastructure is stressed or non-existent. As a result, delivery of equipment and construction has been adversely affected, and conditions now make it impossible for construction to be completed by the deadline in the permits.

Station KTHE(FM) is licensed to Llano, Texas in Llano County. Station KMSN is licensed to Mason, Texas in Mason County. As seen in Attachment 3, both counties have been included in areas declared by the Governor of Texas on October 16, 2018, as Disaster Areas. The October 16, 2018 Declaration states in relevant part:

I, GREG ABBOTT, Governor of the State of Texas, do hereby certify that the severe weather and prolonged flooding event that began on October 7, 2018 has caused widespread and severe property damage and threatens loss of life [in]....Llano [and] Mason Counties.

THEREFORE, IN ACCORDANCE WITH THE AUTHORITY VESTED IN ME BY Section 418.014 of the Texas Government Code, I do hereby declare a state of disaster in the previously listed counties.

Pursuant to Section 418.017 of the code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Attachment 3. See also, Attachment 4 (Disaster Declaration issued on September 14, 2018, for Llano County and other neighboring areas).

Accordingly, tolling of the expiration of this permit respectfully on this emergency basis is requested. Under Section 73.3598(b) of the Commission's rules:

73.3598(b)

The period of construction for an original construction permit shall toll when construction is prevented by the following causes not under the control of the permittee:

\* \* \* \*

73.3598(b)(1)

Construction is prevented due to an act of God, defined in terms of natural disasters (*e.g.*, floods, tornados, hurricanes, or earthquakes);

47 C.F.R. § 73.3598(b) (emphasis added).

The KTHE(FM) permit is due to expire on November 19, 2018. The KSMN(FM) permit is due to expire on November 10, 2018. The disastrous conditions occurring as a result of the horrendous weather condition being experienced in south central Texas qualify Stations KTHE and KSMN for tolling under this Rule.

Accordingly, it is respectfully requested that this request be granted. If there are any questions, please contact this office.

Very truly yours,

Dan J. Alpert

*Counsel for Township Media, LLC*

*Cc: Victoria McCauley <Victoria.McCauley@fcc.gov>*

# *Attachment 1*

New York, NY 

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Allergies: **Low**

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# Months' worth of rain deluges Texas in a matter of days, elevating flood danger



By Alex Sosnowski, AccuWeather senior meteorologist  
October 17, 2018, 1:18:32 AM EDT

Share this article:



A clash of unusually cold air for October and lingering tropical moisture will heighten the threat of heavy rain and the likelihood of flooding over the south-central United States, focused on Texas into late week.

Thanks to a strong norther, temperatures in parts of central Texas were 30-40 degrees Fahrenheit lower early this week when compared to Sunday. The average high for the middle of October is 79 in Dallas.

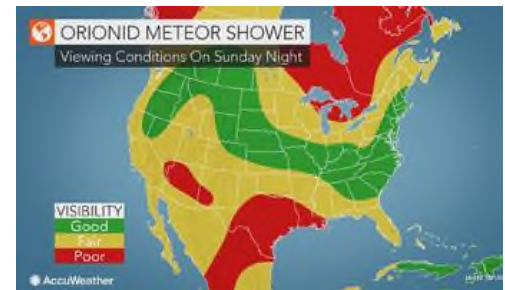
Parts of central Texas have already received 4-8 inches of rain from Friday to Tuesday morning. This is the equivalent of an entire month's worth of rain for October.

## Trending News

Flooding causes stunning weather phenomenon known as 'standing waves'

Store looting has become widespread following Hurricane Michael

### TRENDING NOW



### Debris from Halley's Comet to spark Orionid meteor shower this weekend

Cloud-free conditions will allow much of the United States to see this weekend's Orionid meteor shower, the first major shower of the fall.

[Read Story](#)



Oyster clam farmers suffer after Hurricane

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CONTINUE



This photo from video provided by the Texas Parks and Wildlife Department shows a helicopter crew from the Texas Department of Public Safety performing a rescue from the South Llano River near Junction, Texas, on Monday, Oct. 8, 2018. (Texas Parks and Wildlife Department via AP)

The heavy rain has caused rivers to swell. Major flooding has been occurring along a portion of the Llano River in the Edward Plateau region of west-central Texas.

There are reports of a bridge collapse in Kingsland, Texas, with pieces of the bridge flowing down the Llano River.

**BREAKING :** The FM 2900 bridge in Kingsland has collapsed. Chunks of the bridge are being rushed down the Llano River [#CBSAustinWX #atxwx pic.twitter.com/e8RdYUcgBw](#)  
— Nicole Hartford ⚡ (@NHartfordWX) October 16, 2018

While flooding along these rivers over central Texas will occur prior to the end of this week, it may take until this weekend or next week before the surge of high water occurs in southeastern Texas.

**RELATED:**

- [What you should do if you get stuck driving in floodwaters](#)
- [Florida, Georgia to face hot, humid conditions into midweek as cleanup from Michael continues](#)
- [Photos: Snow creates winter wonderland from Colorado to Minnesota](#)

While rain is forecast to diminish to spotty showers at Wednesday, a new surge of tropical moisture from the Gulf of Mexico may lead to more rounds of drenching rain and a renewed risk of flooding on Thursday and Friday.

destruction of Hurricane Michael is impacting aquaculture farms in Florida.

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**DID YOU KNOW?**

Every winter about one septillion (24 zeros) snowflakes fall from the sky.

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**CONTINUE**



The AccuWeather Local StormMax™ for portions of central Texas is projected to be 14 inches from Friday, Oct. 12 through Friday, Oct. 19.

A number of locations in central and coastal Texas have already experienced a top-five wettest meteorological autumn (Sept. 1-Nov. 30) on record with approximately six more weeks to go. Dallas has already had their all-time wettest autumn, breaking the old record of 21.82 inches set in 2015.

There are still a few pockets in Texas that are experiencing moderate long-term drought. However, by the end of this week, these drought pockets will have been all but erased.

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[Weather News](#)

**Comments**

Comments that don't add to the conversation may be automatically or manually removed by Facebook or AccuWeather. Profanity, personal attacks, and spam will not be tolerated.

**More Weather News**



**Eastern Spain faces highest risk for flooding, mudslides into Friday**

**Weather News** - October 18, 2018, 9:07:29 AM EDT

Eastern Spain is facing the highest risk for flooding from a pair of storms bringing unsettled weather to the Iberian Peninsula and neighboring Africa.



**Gusty winds, snow showers to accompany new cold blast in midwestern, northeastern US this weekend**

**Weather News** - October 18, 2018, 8:08:58 AM EDT

A renewed wave of cold air, locally damaging winds and rain and snow showers will sweep through the midwestern and northeastern United States this weekend.

We have updated our [Privacy Policy](#) and our [Cookie Policy](#) effective May 25, 2018. Please review them.

**CONTINUE**

## *Attachment 2*



[LOCAL NEWS \(/TOPIC/LOCAL NEWS \(119078\)/\)](#)

## Abbott Activates Emergency Resources as Flooding Pounds Hill Country

*posted by Jim Forsyth - Oct 8, 2018*



Gov. Greg Abbott today activated major resources and upped the readiness of the state's Emergency Operations Center as significant autumn storms pound parts of the state, News Radio 1200 WOAI reports.

As much as six inches of rain fell on parts of the western Hill Country today, causing widespread lowland flooding. The National Weather Service says the Llano River is expected to crest in Llano tonight at 23 feet, which is well above flood stage.

Abbott says resources, including the DPS, Texas Parks and Wildlife, and other agencies have been ordered to remain on high alert as storm systems pound other parts of Texas.,

“The potential dangers and disastrous effects of flooding cannot be overstated, and Texas is taking action to ensure the safety of our communities,” said Governor Abbott. “I continue to urge all Texans to heed all emergency warnings from local officials and stay alert to changing weather and road conditions. I’d also like to offer my thanks to the brave first responders protecting Texans when disasters strike, and I want those in affected communities to know that we stand ready to provide any necessary resources to respond to these threats.”

The governor also said highway signs will warn of flooding ahead, and motorists are being urged not to drive into high water, especially at night.

## *Attachment 3*

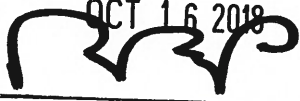


GOVERNOR GREG ABBOTT

October 16, 2018

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:55 pm 'CLOCK

The Honorable Rolando B. Pablos  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

OCT 16 2018  
  
Secretary of State

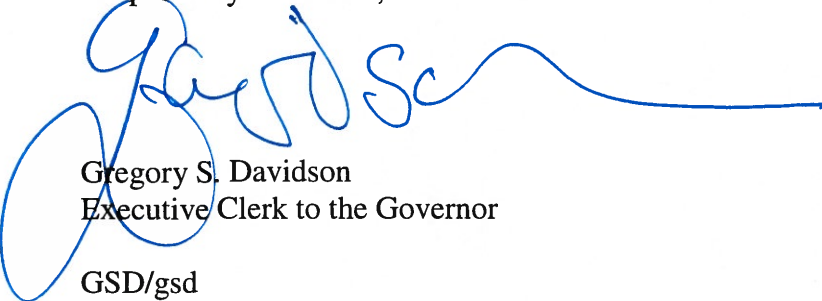
Dear Mr. Secretary:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation certifying that the severe weather and prolonged flooding event that began on October 7, 2018, has caused widespread and severe property damage, and threatens loss of life, Bastrop, Burnet, Colorado, Fayette, Hood, Jim Wells, Kerr, Kimble, La Salle, Live Oak, Llano, Mason, McMullen, Nueces, Real, San Patricio, Travis, and Williamson Counties.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,



Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

# PROCLAMATION

BY THE

## Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

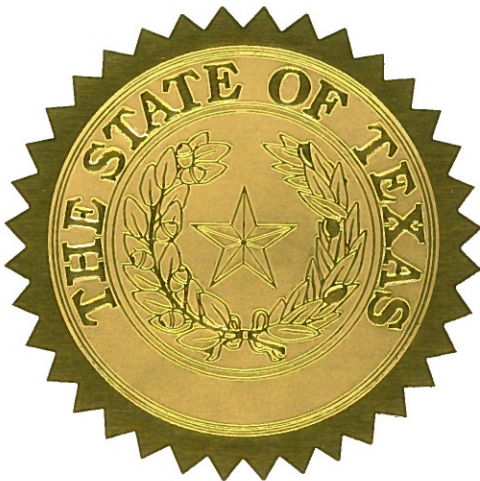
I, GREG ABBOTT, Governor of the State of Texas, do hereby certify that the severe weather and prolonged flooding event that began on October 7, 2018, has caused widespread and severe property damage, and threatens loss of life, Bastrop, Burnet, Colorado, Fayette, Hood, Jim Wells, Kerr, Kimble, La Salle, Live Oak, Llano, Mason, McMullen, Nueces, Real, San Patricio, Travis, and Williamson Counties.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby declare a state of disaster in the previously listed counties.

Pursuant to Section 418.017 of the code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 16th day of October, 2018.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT  
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Rolando B. Pablos".

ROLANDO B. PABLOS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:55pm O'CLOCK

OCT 16 2018

## *Attachment 4*




GOVERNOR GREG ABBOTT

September 14, 2018

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00AM O'CLOCK

The Honorable Rolando B. Pablos  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

SEP 14 2018  
  
Secretary of State

Dear Mr. Secretary:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation declaring a state of disaster caused by the tropical system in the Gulf of Mexico which began on September 7, 2018, that poses a threat of imminent disaster including severe flooding, widespread and severe property damage, and loss of life in many Texas counties.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,



Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

# PROCLAMATION

BY THE

## Governor of the State of Texas

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, do hereby certify that the tropical disturbance in the Gulf of Mexico that began on September 7, 2018, and that continues toward the Texas coast, poses a threat of imminent disaster, including severe flooding, widespread and severe property damage, and loss of life in Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Burnet, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Dimmitt, Duval, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Harris, Hays, Hidalgo, Jackson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Llano, Madison, Matagorda, Maverick, McMullen, Medina, Montgomery, Nueces, Polk, Real, Refugio, San Jacinto, San Patricio, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala counties.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby declare a state of disaster in the previously listed counties based on the existence of such threat.

Pursuant to Section 418.017 of the code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 14th day of September, 2018.

  
GREG ABBOTT  
Governor

ATTESTED BY:



ROLANDO B. PABLOS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00AM O'CLOCK

SEP 14 2018