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Federal Communications Commission
Washington, D.C. 20554
MAR 18 2010

Thomas F. Bardo, Esq.
Nelson Mullins Riley & Scarborough LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001

Re: WJMN-TV, Escanaba, MI
Request for Tolling
Facility ID 9630

Dear Mr. Bardo:

This concerns your January 11, 2010 letter, as supplemented, filed on behalf of WFRV and WJMN Television Station, Inc. (WJMN) requesting that the expiration date for the digital television (DTV) construction permit (File No. BMPCDT-20081023AAF) for WJMN-TV, Escanaba, Michigan, be tolled. For the reasons set forth below, we grant your request and the toll the expiration of the station's digital construction permit.

Although the subject digital construction permit expired on February 17, 2010, your timely filed extension request remains pending. You state that the station does not qualify for tolling under the Commission's Rules; however, the station has experienced "rare and extraordinary circumstances" that nevertheless warrant a grant of an extension of time. You state that the Upper Peninsula of Michigan has experienced extreme weather from November 2009 to March 2010 that has delayed construction of the station's DTV facilities. During this time, the area has received 50.7 inches of snow and temperatures averaging 16.4 degrees. You claim that such conditions prevented safe construction of the station's facilities. You state that the Commission has previously found that unusually severe weather conditions may justify the tolling of constructions deadlines. *See CMCG Puerto Rico License LLC*, 21 FCC Rcd 12900 (Vid. Div. 2006)(unusually frequent and strong storm systems constitute "rare and exceptional circumstances" that would warrant waiver of the strict tolling provisions). The station is currently operating with a reduced-power facility while it awaits the completion of its final DTV facilities. Accordingly, you request that the subject construction permit be tolled for a period of five months until July 17, 2010.

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. WJMN does not qualify for tolling under either of those circumstances. We find, however, that good cause exists to waive Section 73.3598 and to toll the expiration of the station's DTV construction permit. The circumstances in this case are sufficiently unique to permit waiver of the Rule. The extreme weather conditions experienced in the Upper Peninsula of Michigan during the winter of 2009-2010 have prevented the station from completing its final DTV facilities. We believe the public interest will be served by tolling the station's February 17, 2010 construction deadline for five months until July 17, 2010.

The above facts considered, WJMN's tolling request IS GRANTED and the DTV construction deadline for WJMN-TV, Escanaba, Michigan IS TOLLED until July 17, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "Clay Pendarvis". The signature is fluid and cursive, with the first name "Clay" written in a smaller, more compact script than the last name "Pendarvis".

Clay C. Pendarvis
Associate Division Chief
Video Division
Media Bureau