

May 5, 2021

VIA EMAIL DELIVERY

Attn: *Larry Hannif-Ali, Audio Division, Media Bureau*
Larry.Hannif-Ali@fcc.gov

Re: *Townsquare License, LLC*
W244EE, Asbury Park, NJ
Facility ID No. 202321
Construction Permit File No. BNPFT-20180430ABO
Construction Deadline: June 8, 2021

Request for Waiver and/or Tolling of Construction Permit Deadline

Dear Mr. Hannif-Ali:

Townsquare License, LLC (“Licensee”) holds the above-captioned construction permit. By its counsel and pursuant to Sections 1.3 and 73.3598(b) of the Commission’s Rules, Licensee hereby requests a waiver of the June 8, 2021 construction deadline for the above-referenced construction permit pursuant to the Commission’s guidance issued in the Public Notice released on September 10, 2020 (“Public Notice”).¹

In the Public Notice, the Bureau noted that it may in appropriate cases grant a waiver of the construction deadline based on “rare and exceptional circumstances beyond the permittee’s control,” holding that, to the extent the COVID-19 pandemic has hindered the ability of an applicant to construct its translator facilities, those specific difficulties would constitute such a rare and exceptional circumstance beyond the permittee’s control. The Public Notice recognized that “shutdowns associated with the pandemic have forced stations to halt construction, have

¹ *Media Bureau Announces Availability of Construction Deadline Waivers for Certain FM Translator Stations Awarded in Auctions 99 and 100*, Public Notice, DA 20-1059 (MB rel. Sept. 10, 2020).

disrupted equipment availability and deliveries, and have interrupted travel for tower and equipment installers.”² As set forth below, such circumstances are present in the instant case.

Licensee has suffered multiple disruptions from the COVID-19 pandemic, causing the delay in construction of W244EE. For example, Licensee was unable to access the construction permit site for approximately one year due to COVID-19-related closures.³ In addition, Licensee’s engineer had to reduce work on the project in order to avoid contracting COVID-19 and exposing his high-risk, elderly parents for whom he is the sole caregiver. Finally, Licensee has considered modifying the construction permit to locate the facilities elsewhere; however, this first requires in person evaluation of the existing permit site which was not possible until recently due to the COVID-related closures discussed above.

In light of the fact that delays to completing construction are due to circumstances beyond its control, Licensee submits that the public interest will be served by waiving the construction deadline for the W244EE construction permit by an additional six months.

Respectfully submitted,

/s/ Emilie de Lozier
Emilie de Lozier
Counsel for Townsquare License, LLC

Attachment

² *Id.*

³ A statement from the lead engineer on the project, supporting the specifics of this request, is attached. Certain information has been redacted from the statement to protect privacy.

ATTACHMENT – Statement from Townsquare Engineer

W244EE – COVID-19 CONSTRUCTION DELAY AFFIDAVIT

April 23, 2021

To whom it may concern:

I am the Chief Engineer/IT Director of Townsquare Media Monmouth-Ocean. In this role I am directly responsible for the construction of translator W244EE Asbury Park, NJ.

The following COVID-19 related circumstances contributed to significant delays in the construction of W244EE:

1. The construction permit site for W244EE is on property that is part of an active drinking water reservoir. The tower is located approximately 90 feet from the reservoir waters, and access to the tower involves traversing approximately 500 ft. or more of a paved path along the reservoir perimeter. Access to this reservoir/tower property requires consent from not just the tower owner (Crown Castle), but also the Brick Township Municipal Utilities Authority which owns and operates the reservoir. The entire property was closed to outsiders effective March 21, 2020 due to concerns regarding COVID-19 and potential drinking water contamination, and the property did not reopen until nearly one year later on March 17, 2021.
2. _____ is the contractor which Townsquare Media utilizes for construction and equipment maintenance on towers at seven NJ/eastern PA sites it currently leases from Crown Castle. _____ is among the few tower companies with significant broadcast experience which is authorized perform work on Crown Castle towers. Unfortunately, _____ was deauthorized and not able to perform any work on Crown Castle towers from approximately March 2020 to September 2020. The direct reason for this involves the nature of exclusions on _____ liability insurance policies, however the process of obtaining satisfactory insurance was drawn out by the COVID-19 pandemic. Further, without a recognized contractor of record, Townsquare Media could not begin the formal site application process with Crown Castle.
3. I have personally taken rather significant measures to avoid any chance of COVID-19 infection, including as much isolation from in-person contact as possible. Professionally, this is due to my essential role at Townsquare Media in the technical operations of the Monmouth-Ocean stations, as well as secondary/backup roles at Townsquare Media's other NJ properties. Personally, this is due to my being the only significant contact that my parents (ages 67 and 69, in poor health and high COVID-19 risk categories) currently have with the outside world.
4. Townsquare Media has more recently considered the possibility of modifying the W244EE construction permit and constructing the translator at the site of sister station _____.

WJLK-FM and/or parent station WADB-AM in Tinton Falls, NJ. However this first requires further in-person evaluation of the W244EE existing construction permit site, which was not possible while the reservoir property was closed.

Sincerely,

/s/ Thomas J. Trembly, Jr.

Thomas J. Trembly, Jr.
Chief Engineer/IT Director
Townsquare Media Monmouth-Ocean