

WILKINSON) BARKER) KNAUER) LLP

1800 M STREET, NW
SUITE 800N
WASHINGTON, DC 20036
TEL 202.783.4141
FAX 202.783.5851
www.wbklaw.com
EMILIE M. DE LOZIER
202.383.3378
EDELLOZIER@WBKLAW.COM

May 6, 2021

VIA EMAIL DELIVERY

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

Re: *Townsquare License, LLC*
K236CX, Casper, WY
Facility ID No. 202345
Construction Permit File No. BNPFT-20180430ABP
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’s efforts to complete construction of K236CX remain frustrated due to continued disruptions caused by COVID-19. Specifically, recent progress on the translator buildout has been delayed because Licensee has been unable to source equipment, with lead times from the manufacturer that are 2-4 times longer than usual.³ Licensee has also struggled to line up a tower crew. The tower crew has told Licensee that the earliest it could begin the work is in 4-6 weeks – and that is only if they have another project nearby. Therefore, additional time is needed.

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 K236CX 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 The text of an email 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 – Text of email from Townsquare Engineer

From: Matt Brown <Matt.Brown@townsquaremedia.com>
Date: Monday, May 3, 2021 at 9:04 AM
To: Martin Stabbert <Martin.Stabbert@townsquaremedia.com>
Subject: KTWO and KKTL Translator Delays

Martin,

Running into some issues with the translator projects due to Covid, these are going to cause further delays in this project.

is still dealing with lead times that are 2-4 times longer than usual. I am not willing to compromise with another manufacturer like , after speaking with other engineers, they are having serious quality control and reliability issues with their hardware.

Our tower crew is swamped, at least 4-6 weeks out (if we are lucky, and they have a nearby project, otherwise it is going to be a longer wait). Between covid issues on their team and the nationwide 5G rollout, I'm struggling to find a team that is available in a timely manner.

Thanks,

Matt Brown
Market Engineering Director
Townsquare Media, Casper