

REQUEST for WAIVER of the CONSTRUCTION DEADLINE  
for  
FM BROADCAST TRANSLATOR STATION W261DU  
Chattahoochee, Florida

In accordance with the FCC's decision in MB Docket 13-249, announced by Public Notice, DA-20-1059, released September 10, 2020, Mount Vernon Broadcasting hereby requests extension of the permit, File No. BNPFT-20171208ACB, for construction of FM broadcast translator station W261DU in Chattahoochee, Florida.

The permit for this station was awarded in the first "cross-service" filing window pursuant to an application filed in 2017 by Metz, Inc., former owner of AM station WTCL, 1580 kHz (daytimer) in Chattahoochee. WTCL has a long history of financial distress as a standalone AM daytime station serving an exceptionally poor section of Florida and immediately adjacent areas of southeastern Alabama and southwestern Georgia. Unlike most of the Panhandle, this is not a resort area of ritzy beachfront condominiums and thriving business communities. On the contrary, it is the poorest section of the Panhandle, and perhaps in all of Florida.

As if these long term ills were not enough, in October of 2018, Chattahoochee was in the direct path of Hurricane Michael, which came ashore as

a category 5 storm with winds of 160 miles an hour – one of the strongest hurricanes ever to hit the US mainland.

The storm lost some strength between its landfall at Mexico City Beach (which was entirely flattened) and Chattahoochee, but it was still strong enough to inflict major damage in the city of license and throughout the radio station's service area. Miraculously, the station's antenna tower was not destroyed, in contrast to every other radio station's tower in the general vicinity. However, the storm took part of the roof off the studio building, and there was substantial damage to the studio equipment inside.

WTCL managed to return to the air not long after the storm moved north, but the economic damage to the community was enormously, and has not been overcome to this day. Donald Metz, the owner of the licensee was a resident of northern Illinois. As such, he was too far away to manage the property effectively, and lacked the resources to rebuild the station's assets. Under a no-fee time brokerage agreement with Faith Radio, a Christian group from Tallahassee, the basic operating expenses were covered in exchange for its use of the station's airtime. However, there was no money for major capital expenditures. The roof was tarped over, but no permanent fix was made.

Mr. Metz attempted to negotiate a sale to the TBA operator, but the best that group could do was to offer the paltry sum of \$15,000 – less than what Mr. Metz had borrowed in order to pay their regulatory fees for the station – in connection with a purchase option that they did not see fit to exercise. Accordingly, in desperation Mr. Metz agreed to assign the station assets to Mount Vernon, with the consideration being debt that Metz owed to Mount Vernon's owner (who had advanced funds to cover many years' worth of FCC regulatory fees for Metz), but was unable to pay.

The assignment was closed as of July 1, 2019, pursuant to prior FCC consent granted in BAL-20181108AAA. For the next six months, Faith Radio operated under the TBA. Unfortunately, Mount Vernon could not come to terms with Faith Radio about a disposition of the station, and Faith Radio pulled out at the end of December, 2019, leaving the station dark just as the novel coronavirus was about to make its first known appearance in North America.

As the Commission is well aware, the virus has a devastating effect on the entire broadcast industry with stations typically experiencing a loss of from 30% to 70% of their pre-Pandemic revenues.

Despite this baleful development, over the ensuing months, Mount Vernon negotiated a Time Brokerage Agreement, with purchase option, with a Hispanic

broadcaster from the eastern part of the Panhandle named David Garcia. He cleaned up the premises and brought in his own studio equipment to replace the gear that had been ruined in the 2018 hurricane. However, he was stymied in beginning regular operations because while he had been making plans, the Covid19 epidemic had been spreading across the county, forcing the shutdown of practically all the business on whose advertising revenue Mount Vernon and Mr. Garcia had planned to use for construction of the translator and more generally for rehabilitation of the overall station operation.

Mr. Garcia was able to put the station back on the air for a short time in July, 2020, but no revenue resulted from that. He could not be in Chattahoochee full time, so he needed to recruit a manager to operate the station before returning to full-schedule operation. Mr. Garcia found an appropriate candidate in South Texas. This individual was due to report for work in Chattahoochee in mid-September.

Sadly, his relocation was stymied by rising water from storms along I-10 in Texas and Louisiana, forcing the shutdown of the Interstate in area where there was no feasible work-around. The coup de grace occurred when Hurricane Sally hit Chattahoochee in mid-September, wreaking massive damage throughout the service area. Of greatest importance to the radio station was that Sally removed a

large part of the roof, drenching the inside of the building with rain, and greatly damaging Mr. Garcia's studio equipment.

With this new catastrophe, plans to put the station back on the air were put on hold, and the station manager went back to Texas. The worst part was that soon thereafter Mr. Garcia was exposed to the novel coronavirus, contracted the disease, and nearly died from it. He is still not fully recovered. This ordeal destroyed his will to put the radio station back on the air and build the translator to extend its coverage into the nighttime hours. As a result, Mount Vernon has not yet been able to restore service or construct the translator.

As if the problems in Florida were not enough, over the period since Mount Vernon acquired WTCL and the translator permit, has been beset by further issues elsewhere. Specifically, he had planned to finance the translator construction with income from a note and lease he held with respect to radio station KMRI in West Valley City, Utah. Distressingly, though, the obligor on that note fell far behind in his payments starting in 2018, and that source of income dried up. Mr. Vernon's owner was forced to initiate foreclosure proceedings. What was worse is that the antenna tower for that station (owned by Mr. Vernon's owner) collapsed in a severe earthquake that shook the Salt Lake Valley on March 18, 2020. The calamity put KMRI off the air. As detailed in submissions to the Commission for that station, the losses to Mt. Vernon's owner from the tower collapse and

litigation with the delinquent owner have amounted to nearly \$200,000 – funds that could have been used for the Chattahoochee project. Eventually, the delinquent owner of the West Valley City license contracted Covid19 and died, eliminating any possibility that he might be able to redeem his debt and free up cash for Mt. Vernon's owner to use to build the translator for WTCL.

Nevertheless, Mount Vernon is currently working with a highly energetic local resident to restore service and build out the translator. She has a vision of how the radio station can revitalize the local community. She has discussed the station's potential with numerous local residents, who are uniformly excited about the prospect of WTCL going back on the air as a truly locally-oriented facility.

In that regard, it should be noted that WTCL is the ONLY radio station licensed to Chattahoochee, and there is very little solid service to the area from stations licensed to other communities. Radio-locator lists numerous stations delivering marginal signals to Chattahoochee, but they pay no attention to the community, and the few with stronger signals there tend to focus on larger towns like Dothan, Alabama or Tallahassee, Florida.

In the longer term, the FM translator is essential for the station's ability to serve its community. Whatever listeners the station may have at sunset disappear as WTCL goes off the air then. An audience thus lost is not easily regained with

the sunrise. Further, in the event of a local emergency happening after sunset, the station at present is incapable of alerting local residents – something that will change once the translator is in place.

Accordingly, Mount Vernon Broadcasting requests an extension of six months to its permit for construction of translator station W261DU.