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May 10, 2021

**VIA EMAIL DELIVERY**

Attn: *Larry Hannif-Ali, Audio Division, Media Bureau*  
[Larry.Hannif-Ali@fcc.gov](mailto:Larry.Hannif-Ali@fcc.gov)

Re: *Townsquare License, LLC*  
K258DN, Orchard Valley, WY  
Facility ID No. 202347  
Construction Permit File No. BNPFT-20180430ABS  
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”).<sup>1</sup>

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

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<sup>1</sup> *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.”<sup>2</sup> As set forth below, such circumstances are present in the instant case.

Licensee’s efforts to complete construction of K258DN remain frustrated due to continued disruptions caused by COVID-19. Specifically, Licensee has been unable to line up a tower crew to install a new antenna for the translator, as tower crews are either unavailable or dealing with a backlog of projects due to the pandemic.<sup>3</sup> Licensee has identified a new path to construction: in lieu of installing a new antenna, Licensee now plans to operate the translator from an existing, decommissioned antenna on the tower. Licensee intends to submit an application to modify the construction permit accordingly, but additional time is needed to finalize and process that application. Licensee expects to complete construction within a few days of receiving a grant of the modified construction permit.

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 K258DN construction permit by an additional six months.

Respectfully submitted,

/s/ Emilie de Lozier

Emilie de Lozier

Counsel for Townsquare License, LLC

Attachment

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<sup>2</sup> *Id.*

<sup>3</sup> A statement from Townsquare’s Senior Vice President of Engineering, supporting the specifics of this request, is attached. Certain information has been redacted from the statement to protect privacy.

**ATTACHMENT – Statement from Townsquare Senior Vice President of Engineering**

**From:** Martin Stabbert <Martin.Stabbert@townsquaremedia.com>  
**Sent:** Friday, May 7, 2021 6:52 PM  
**To:** Liberman, Howard <HLiberman@wbklaw.com>  
**Cc:** de Lozier, Emilie <EdeLozier@wbklaw.com>; Griffith, Erin <EGriffith@wbklaw.com>  
**Subject:** K258DN tolling

Hello Howard –

We continue to face challenges with the construction of our outstanding construction permit for translator K258DN, Orchard Valley, WY. Due to COVID-related supply-chain backlogs for materials, contact-tracing related quarantines, travel restrictions and illness, many tower crews are unavailable or significantly delayed. We have therefore been unable to schedule the installation of an antenna for translator K258DN and do not believe we will be able to complete construction of the facility prior to the expiration date of the construction permit.

In lieu of installing a new antenna, we have identified and determined that an existing, decommissioned antenna on the tower is a feasible alternative. We plan to submit a CP-modification request for the revised height and antenna model. Due to filing and application-processing lead times, we wish to request additional time to complete the construction of the translator. By eliminating the need for a tower crew entirely, we anticipate completion would be possible within a few days of the grant of modified construction permit.

Thank you in advance for your assistance with this request.

Martin Stabbert  
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