



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KAKE-DT, Wichita, Kansas  
File No. BEPCDT-20020228ABA  
Facility ID No. 65522

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of KAKE-TV, Wichita, Kansas, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on KAKE-TV using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on KAKE-TV, over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 2, 2002

Apple Valley Broadcasting, Inc.  
c/o Robert J. Rini, Esq.  
Manatt, Phelps & Phillips, LLP  
1501 M Street, N.W.  
Suite 700  
Washington, D.C. 20005

Re: Request for Extension of Time to Construct  
Digital Facilities  
KAPP-DT, Yakima, WA  
File No. BEPCDT-20020304ACM  
Facility ID No. 2506

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Apple Valley Broadcasting, Inc. (Apple Valley), licensee of KAPP(TV), Yakima, Washington. Apple Valley certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability, as well as legal delays.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Apple Valley provide a more detailed showing regarding its good faith efforts, negotiations, or other actions to finance construction of DTV facilities. The showing should explain why the efforts have been unsuccessful, and should include documentary support, such as affidavits from lenders or other financial institutions. We also request that Apple Valley provide a reasonable estimate of when it expects to complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Apple Valley Broadcasting, Inc.  
c/o Darrell Blue, Vice President and General Manager  
601 N. Edison Street  
Kennewick, WA 99336

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

Hill Broadcasting Company, Inc.  
c/o Dean Brenner, Esq.  
Crispin & Brenner, PLLC  
1156 15<sup>th</sup> Street, N.W.  
Suite 1105  
Washington, D.C. 20005

Re: Request for Extension of Time to Construct  
Digital Facilities  
KTVG-DT, Grand Island, Nebraska  
File No. BEPCDT-20020301AGI  
Facility ID No. 27220

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Hill Broadcasting Company, Inc. (Hill), licensee of KTVG(TV), Grand Island, Nebraska. Hill certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Hill states that KTVG(TV) is being operated by Pappas Telecasting of Central Nebraska, a California Limited Partnership (Pappas), pursuant to a time brokerage agreement. Hill states that the only income it receives from the station are the payments made by Pappas under the time brokerage agreement, which it asserts is insufficient to support the capital costs of construction of digital facilities. According to Hill, it will be unable to complete construction of digital facilities due to Pappas' poor financial situation, which Pappas has described in related extension requests.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Hill's and Pappas' specific financial conditions warrant an extension, we request the relevant audited income statements of Hill as the licensee and Pappas as the broker. The income statements should demonstrate Hill's and Pappas' financial conditions over an economically significant period of time.<sup>4</sup> We also request a specific showing regarding Hill's and Pappas' attempts to construct, with particular reference to attempts by both parties to acquire financing from lenders for build-out of DTV facilities. This may include documentary evidence of an inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Hill's and Pappas' financial conditions would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Hill Broadcasting Company, Inc.  
c/o Robert Hill, President  
2154 Highland Avenue  
Birmingham, Alabama 35202

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Pappas Arizona License, LLC  
c/o Kathrine L. Calderazzi, Esq.  
Paul, Hastings, Janofsky & Walker, LLP  
1299 Pennsylvania Avenue, N.W.  
Tenth Floor  
Washington, D.C. 20004-2400

Re: Request for Extension of Time to Construct  
Digital Facilities  
KSWT-DT, Yuma, AZ  
File No. BEPCDT-20020301AFY  
Facility ID No. 33639

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Pappas Arizona License, LLC (Pappas Telecasting), licensee of KSWT(TV), Yuma, AZ. Pappas Telecasting certifies that construction cannot be completed by the applicable May 1, 2002 deadline for legal reasons.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant provide specific reasons in support of an extension as well as the specific steps it has taken to mitigate any problems.

We find that the instant extension request is incomplete and request additional information. We request that Pappas Telecasting provide a detailed explanation of the steps it took to construct prior to issuance of the November 1, 2001 Order, which provided for initial build-out of minimal DTV facilities in lieu of complete signal replication. This showing should include attempts to acquire financing, attempts to locate a tower site, and attempts to complete the other steps of DTV implementation. We also request a showing explaining how delays in

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

scheduling tower crews was “unforeseeable,” especially in light of the fact that DTV facilities would need to be constructed irregardless of whether complete signal replication was required. If the reason for failure to take any steps to construct prior to issuance of the November 1, 2001 Order was financial inability, then Pappas Telecasting should make a full financial showing, as set forth in the DTV proceeding and the instructions to the FCC Form 337. Finally, we request a reasonable estimate of when construction of DTV facilities will be completed.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Pappas Arizona License, LLC  
c/o Harry J. Pappas, Member  
500 South Chinowth Road  
Visalia, CA 93277



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KSTF(TV), Scottsbluff, Nebraska  
File No. BEPCDT-20020228ACX  
Facility ID No. 63182

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of KSTF(TV), Scottsbluff, Arizona, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). KSTF(TV) operates as a satellite of KGWN-TV in the Cheyenne, Wyoming Designated Market Area (DMA). BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on KSTF(TV) using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate BLC's financial condition, with particular reference to the operations on KSTF(TV), over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

Colins Broadcasting Company  
c/o John R. Milner, Esq.  
Bryan Cave, LLP  
700 13<sup>th</sup> Street, N.W.  
Suite 600  
Washington, D.C. 20005

Re: Request for Extension of Time to Construct  
Digital Facilities  
KSNB-DT, Superior, Nebraska  
File No. BEPCDT-20020301AGH  
Facility ID No. 21161

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Colins Broadcasting Company (Colins), licensee of KSNB(TV), Superior, Nebraska. Colins certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Colins states that KSNB(TV) is being operated by Pappas Telecasting of Central Nebraska, a California Limited Partnership (Pappas), pursuant to a time brokerage agreement, and states that the only income it receives from the station are the payments made by Pappas under the time brokerage agreement, which it asserts is insufficient to support the capital costs of construction of digital facilities. According to Colins, it will be unable to complete construction of digital facilities due to Pappas' poor financial situation, which Pappas has described in related extension requests.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Colins and Pappas' specific financial conditions warrant an extension, we request the relevant audited income statements of Colins as the licensee and Pappas as the broker. The income statements should demonstrate Colins' and Pappas' financial conditions over an economically significant period of time.<sup>4</sup> We also request a specific showing regarding Colins' and Pappas' attempts to construct, with particular reference to attempts by both parties to acquire financing from lenders for build-out of DTV facilities. This may include documentary evidence of an inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Colins' and Pappas' financial conditions would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Colins Broadcasting Company  
c/o Thomas F. Mitts, President  
205 South West Street  
Suite A  
Visalia, CA 93291

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

KQDS Acquisition Company  
c/o Arthur B. Goodkind, Esq.  
Holland and Knight LLP  
2099 Pennsylvania Avenue  
Suite 100  
Washington, D.C. 20006

Re: Request for Extension of Time to Construct  
Digital Facilities  
KQDS-DT, Duluth, MN  
File No. BEPCDT-20020215ACC  
Facility ID No. 35525

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of KQDS Acquisition Corp. (KQDS), licensee of KQDS-TV, Duluth, MN. KQDS is under common ownership with Red River Broadcasting Broadcast Co. LLC (Red River), which controls 4 DTV licenses. KQDS certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, KQDS attaches the Declaration of Carrie Robinson who states that KQDS and Red River have operated at substantial losses and with negative cash flow over the last two years. Because of the negative cash flow, Robinson states, Curtis Squire, Inc. (Curtis Squire), 85% owner of both KQDS and Red River, has provided cash infusions to fund operations. Carrie Robinson concludes that "[u]nder our present circumstances, no lender would advance KQDS or Red River the additional funds to construct the DTV stations." According to Carrie Robinson, KQDS and Red River will not be able to begin construction of DTV facilities until they are able to achieve break-even status, at the very least.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that KQDS provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary evidence of its inability to raise capital, such as affidavits from lenders or other financial institutions. We also seek justification for the particular cost assumptions contained in the showing, with particular reference to attempts to acquire cost-effective equipment reasonably necessary for DTV operations on KQDS-DT. Finally, In order to determine whether KQDS' specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate KQDS' financial condition, with particular reference to KQDS-TV, over an economically significant period of time.<sup>4</sup>

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: KQDS Acquisition Corp.  
c/o Ro Grignon, President  
P.O. Box 9115  
Fargo, ND 58106

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Oregon Trail Broadcasting Company  
c/o Jason Roberts, Esq.  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, D.C. 20036-3101

Re: Request for Extension of Time to Construct  
Digital Facilities  
KPVI-DT, Pocatello, ID  
File No. BEPCDT-20020219AAE  
Facility ID No. 1270

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Oregon Trail Broadcasting Company (Oregon Trail), licensee of KPVI(TV), Pocatello, ID. Oregon Trail certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Oregon Trail states that requiring it to purchase the necessary equipment for DTV conversion "would create a serious and threatening financial hardship." Oregon Trail further states that it has made attempts to secure financing, "but such requests have been denied as a result of the company's financial situation."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The showing should reflect a particular station's financial status over an economically significant period of time.<sup>4</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Oregon Trail provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions. We also request that Oregon Trail provide a reasonable estimate of when its financial condition would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: Beartooth Communications Company  
c/o Ralph Toddre, President  
1500 Foremaster Lane  
Las Vegas, NV 89101

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Pappas Telecasting of the Midlands, a California Limited Partnership  
c/o Kathrine L. Calderazzi, Esq.  
1299 Pennsylvania Avenue, N.W.  
Tenth Floor  
Washington, D.C. 20004-2400

Re: Request for Extension of Time to Construct  
Digital Facilities  
KPTM-DT, Omaha, NE  
File No. BEPCDT-20020301AFU  
Facility ID No. 51491

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Pappas Telecasting of the Midlands, a California Limited Partnership (Pappas Telecasting), licensee of KPTM(TV), Omaha, Nebraska. Pappas Telecasting also programs KXVO(TV), Omaha, Nebraska pursuant to a Time Brokerage Agreement (TBA). Pappas Telecasting certifies that construction cannot be completed by the applicable May 1, 2002 deadline for technical and legal reasons. Specifically, Pappas Telecasting states that construction of DTV facilities, as originally planned, was delayed due to "tower loading issues." Pappas further states that the Commission's determination to permit applicants to construct minimal DTV facilities ameliorated the tower loading issue, but that the new construction plans caused delays as it now needed to order the appropriate equipment and schedule tower construction crews.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. We request that Pappas Telecasting provide a detailed explanation of the steps it took to mitigate any delays caused by the tower loading issue, the need to order new equipment, and the need to schedule tower construction crews. Specifically, we request that Pappas Telecasting explain the steps taken to investigate alternatives to collocation of the station's digital antenna prior to issuance of the November 2001 Order. This showing should include a fact-specific explanation as to why the tower loading issue was "unforeseeable." Finally, we request that Pappas Telecasting provide a reasonable estimate of when it plans to complete construction of DTF facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Pappas Telecasting of the Midlands, a California Limited Partnership  
c/o Harry J. Pappas, General Partner  
500 South Chinowth Road  
Visalia, CA 93277

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Pappas Telecasting of Sioux City, a California Limited Partnership  
c/o Kathrine L. Calderazzi, Esq.  
Paul, Hastings, Janofsky & Walker, LLP  
1299 Pennsylvania Avenue, N.W.  
Tenth Floor  
Washington, D.C. 20004-2400

Re: Request for Extension of Time to Construct  
Digital Facilities  
KPTH-DT, Sioux City, IA  
File No. BEPCDT-20020301AFX  
Facility ID No. 77451

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Pappas Telecasting of Sioux City, a California Limited Partnership (Pappas Telecasting), licensee of KPTH(TV), Sioux City, Iowa. Pappas Telecasting certifies that construction cannot be completed by the applicable May 1, 2002 deadline for legal reasons.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant provide specific reasons in support of an extension as well as the specific steps it has taken to mitigate any problems.

We find that the instant extension request is incomplete and request additional information. We request that Pappas Telecasting provide a detailed explanation of the steps it took to construct prior to issuance of the November 1, 2001 Order, which provided for initial build-out of minimal DTV facilities in lieu of complete signal replication. This showing should include attempts to acquire financing, attempts to locate a tower site, and attempts to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

the other steps of DTV implementation. We also request a showing explaining how delays in scheduling tower crews was “unforeseeable,” especially in light of the fact that DTV facilities would need to be constructed irregardless of whether complete signal replication was required. If the reason for failure to take any steps to construct prior to issuance of the November 1, 2001 Order was financial inability, then Pappas Telecasting should make a full financial showing, as set forth in the DTV proceeding and the instructions to the FCC Form 337. Finally, we request a reasonable estimate of when construction of DTV facilities will be completed.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Pappas Telecasting of Sioux City, a California Limited Partnership  
c/o Harry J. Pappas, General Partner  
500 South Chinowth Road  
Visalia, CA 93277



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Chico License, L.L.C.  
c/o Joseph A. Godles, Esq.  
Goldberg Godles Wiener & Wright  
1229 19<sup>th</sup> Street, NW  
Washington, DC 20036-2413

Re: Request for Extension of Time to Construct  
Digital Facilities  
KNVN-DT, Chico, CA  
File No. BEPCDT-20020304ADO  
Facility ID No. 33745

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Chico License, L.L.C. (Chico), licensee of KNVN(TV), Chico, California, and subsidiary of Evans Broadcasting of Chico, L.L.C. (Evans). Chico certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Chico provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Chico's and Evans' specific financial conditions warrant an extension, we request the relevant audited income statement(s) that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Chico's and Evan's specific financial condition, with particular reference to the operations on KNVN(TV), over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Chico's and Evans' inability to acquire financing, such as affidavits from lenders or other financial institutions. Finally, we request that Chico provide a reasonable estimate of when it plans to complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Chico License, L.L.C.  
c/o William G. Evans, President and Manager  
12309 Mosswood Place  
Bradenton, FL 34202

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Mojave Broadcasting Company  
c/o Stanley P. Cyphers, Executive Vice President  
455 Capitol Mall, Suite 604  
Sacramento, CA 95814

Re: Request for Extension of Time to Construct  
Digital Facilities  
KMTF-DT, Helena, MT  
File No. BEPCDT-20020301AGB  
Facility ID No. 68717

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Rocky Mountain Broadcasting Company (Rocky Mountain), licensee of KMTF(TV), Helena, Montana. Beartooth Communications Company (Beartooth) currently programs Rocky Mountain under a Time Brokerage Agreement (TBA). Rocky Mountain certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Rocky Mountain's specific financial condition warrants an extension, we request the relevant audited income statements(s), or other probative evidence, that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should cover an economically significant period of time, and should be specific to operations on KMTF(TV).<sup>4</sup> We also request documentary evidence of Rocky Mountain's or Beartooth's good faith efforts to acquire financing, such as affidavits from lenders or other financial institutions. Finally, we request that Rocky Mountain provide a reasonable estimate of when it will complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Multimedia Holdings Corporation  
c/o Thomas L. Chapple, Secretary  
7950 Jones Branch Drive  
McLean, Virginia 22107

Re: Request for Extension of Time to Construct  
Digital Facilities  
KMOH-DT, Kingman, Arizona  
File No. BEPCDT-20020301AEV  
Facility ID No. 24753

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Multimedia Holdings Corporation (Multimedia), licensee of KMOH-TV, and wholly owned subsidiary of Gannett Co., Inc. Multimedia certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Multimedia states that "given the construction costs, the historic performance of the station and Gannett's best estimate of its future potential, Gannett needs to consider all available options, and particularly whether implementation of DTV can be justified economically at KMOH-TV."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Multimedia's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Multimedia's financial condition, with particular reference to the operations of KMOH-TV, over an economically significant period of time.<sup>4</sup> We also request that Multimedia provide a specific showing regarding its attempts to determine whether DTV operations on KMOH-TV are justified. This showing may include a description of Multimedia's attempts to acquire financing for build-out of DTV facilities, including documentary evidence of its inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KMIZ-DT, Columbia, MO  
File No. BEPCDT-20020301AAX  
Facility ID No. 63164

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of KMIZ(TV), Columbia, Missouri, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on KMIZ-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on KMIZ-TV over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Waitt Broadcasting, Inc.  
c/o Lawrence Bernstein  
Law Offices of Lawrence Bernstein  
Suite 700  
1818 N Street, N.W.  
Washington, D.C. 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
KMEG-TV, Sioux City, IA  
File No. BEPCDT-20020220ABU  
Facility ID No. 39665

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Waitt Broadcasting, Inc. (Waitt Broadcasting), licensee of KMEG-TV. Waitt Broadcasting is the wholly owned subsidiary of Waitt Media, Inc. (Waitt Media), which ultimately controls 5 broadcast television licenses. Waitt Broadcasting certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Waitt Broadcasting states that “[a]t the present, given the station’s difficult financial position and the extremely low level of DTV receiver penetration in the Sioux City market, expenditure of the considerable resources required for even low-power digital operations would place KMEG in an even more precarious financial position.” As support for this assertion, Waitt Broadcasting attaches the audited Consolidated Income Statement of Waitt Media’s five broadcast television stations, and the relevant Income Statement of KMEG-TV.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee’s control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to “consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station’s financial resources.”<sup>2</sup> To

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The showing should reflect a particular station's financial status over an economically significant period of time.<sup>4</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Waitt Broadcasting provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. We further request that Waitt Broadcasting provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request that Waitt Broadcasting provide a reasonable estimate of when its financial condition would permit purchase of the necessary equipment and complete construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: Waitt Broadcasting, Inc.  
c/o Michael J. Delich, President  
1125 South 103rd Street  
Suite 200  
Omaha, NE 68124

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Mojave Broadcasting Company  
c/o Suzanne E. Rogers, President  
455 Capitol Mall, Suite 604  
Sacramento, CA 95814

Re: Request for Extension of Time to Construct  
Digital Facilities  
KMCC-DT, Laughlin, NV  
File No. BEPCDT-20020301AFK  
Facility ID No. 41237

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the Mojave Broadcasting Company (Mojave), licensee of KMCC(TV), Laughlin, Nevada. Mojave certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. We request documentary evidence of Mojave's good faith efforts to acquire financing, such as affidavits from lenders or other financial institutions. We also request that Mojave provide a reasonable estimate of when it will complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

Wyomedia Corporation  
c/o Jason Roberts, Esq.  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, D.C. 20036-3101

Re: Request for Extension of Time to Construct  
Digital Facilities  
KLWY-DT, Cheyenne, Wyoming  
File No. BEPCDT-20020226ADE  
Facility ID No. 40250

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Wyomedia Corporation (Wyomedia), licensee of KLWY-TV, Cheyenne, Wyoming. Wyomedia certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In particular, Wyomedia cites its declining revenues over the last four years

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Wyomedia's specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Wyomedia's financial condition, with specific reference to KLWY-TV's operations, over an economically significant period of time.<sup>4</sup> We also request that Wyomedia provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary evidence of its inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Wyomedia Corporation  
c/o Mark Nalbone, Secretary/Treasurer  
1856 Skyview Drive  
Casper, Wyoming 82601

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KLBY-DT, Colby, Kansas  
File No. BEPCDT-20020228ADB  
Facility ID No. 65523

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of KLBY(TV), and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). KLBY(TV) operates as a satellite of KAKE-TV, Wichita, Kansas in the Wichita, Kansas Designated Market Area (DMA). BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on KLBY(TV) using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on KLBY(TV), over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KKTV-DT, Colorado Springs, CO  
File No. BEPCDT-20020301ABH  
Facility ID No. 35037

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of KKTV(TV), Colorado Springs, Colorado, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on KKTV-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on KKTV(TV) over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Two Ocean Broadcasting Company  
c/o Jason Roberts, Esq.  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, D.C. 20036-3101

Re: Request for Extension of Time to Construct  
Digital Facilities  
KJWY-DT, Jackson, Wyoming  
File No. BEPCDT-20020219AAF  
Facility ID No. 1283

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Two Ocean Broadcasting Company (Two Ocean), licensee of KJWY(TV), Jackson, Wyoming. Two Ocean certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Two Ocean states that requiring it to purchase the necessary equipment for DTV conversion "would create a serious and threatening financial hardship." Two Ocean further states that it has made attempts to secure financing, "but such requests have been denied as a result of the company's financial situation."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The showing should reflect a particular station's financial status over an economically significant period of time.<sup>4</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Two Ocean provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions. We also request that Two Ocean provide a reasonable estimate of when its financial condition would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: Beartooth Communications Company  
c/o Ralph Toddre, President  
1500 Foremaster Lane  
Las Vegas, NV 89101

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

Red River Broadcast Co., LLC  
c/o Arthur B. Goodkind, Esq.  
Holland and Knight LLP  
2099 Pennsylvania Avenue  
Suite 100  
Washington, D.C. 20006

Re: Request for Extension of Time to Construct  
Digital Facilities  
KJRR-DT, Jamestown, ND  
File No. BEPCDT-20020215ACG  
Facility ID No. 55364

Dear Mr. Goodkind:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Red River Broadcast Co., LLC (Red River), licensee of KJRR(TV), Jamestown, ND. Red River, which controls 4 DTV licenses, is under common ownership with KQDS Acquisition Company (KQDS), licensee of KQDS-TV, Duluth, MN. With respect to the instant extension request, Red River certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to delays in obtaining required governmental clearances. Specifically, Red River states it has filed a petition for rulemaking requesting that the allotted channel for KJRR-DT be changed to Channel 30 due to potential radio interference with its allotted Channel 14. Red River further states that this "request remains pending owing to a still unresolved problem of interference to two Canadian allotments." According to Red River, the FCC has yet to respond to a proposed solution to this interference problem.

In the DTV proceeding, Fifth Report and Order, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> An applicant must also provide an estimate of when they reasonably expect to complete construction. The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension as well as the specific steps it has taken to mitigate any problems.

We find that the instant extension request is incomplete and request additional information. In particular, we request that Red River provide

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in the form of an amendment to the previously filed FCC Form 337 within thirty (30) days upon receipt of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KHQA-DT, Hannibal, MO  
File No. BEPCDT-20020301AAR  
Facility ID No. 4690

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of KHQA-TV, Hannibal, Missouri, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on KHQA-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on KHQA-TV over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

Pappas Telecasting of Central Nebraska, A California Limited Partnership  
c/o Kathrine L. Calderazzi, Esq.  
Paul Hastings Janofsky & Walker, LLP  
1299 Pennsylvania Avenue, N.W.  
Tenth Floor  
Washington, D.C. 20004-2400

Re: Request for Extension of Time to Construct  
Digital Facilities  
KHGI-DT, Kearney, Nebraska  
File No. BEPCDT-20020301AGF  
Facility ID No. 21160

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Pappas Telecasting of Central Nebraska (Pappas), licensee of KHGI(TV), Kearney, Nebraska. Pappas certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In this regard, Pappas states that it is also the licensee of KWNB(TV), which is a full-power satellite of KHGI(TV), and further states that it operates stations KTVG(TV), Grand Island, Nebraska, and KSNB(TV), Superior, Nebraska, pursuant to time brokerage agreements, under which it has committed to constructing DTV facilities for both stations. Pappas cites its negative cash flow from operations as evidence of its financial inability to complete DTV at this time.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Pappas' specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Pappas' financial condition, with specific reference to KHGI(TV)'s operations, over an economically significant period of time.<sup>4</sup> We also request that Pappas provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary evidence of its inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Pappas' financial condition would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Pappas Telecasting of Central Nebraska, A California Limited Partnership  
c/o Harry J. Pappas, General Partner  
500 South Chinowth Road  
Visalia, CA 93277

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KGWR-DT, Rock Springs, Wyoming  
File No. BEPCDT-20020228ACV  
Facility ID No. 63170

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of KGWR-TV, Rock Springs, Wyoming, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). KGWR-TV operates as a satellite of KGWC-TV in the Casper, Wyoming Designated Market Area (DMA). BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on KGWR-TV using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on KGWR-TV, over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KGWN-DT, Cheyenne, WY  
File No. BEPCDT-20020301AAK  
Facility ID No. 63166

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of KGWN-TV, Cheyenne, Wyoming, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on KGWN-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on KGWN-TV over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KGWL-DT, Lander, Wyoming  
File No. BEPCDT-20020228ACT  
Facility ID No. 63162

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of KGWL-TV, Lander, Wyoming, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). KGWL-TV operates as a satellite of KGWC-TV in the Casper, Wyoming Designated Market Area (DMA). BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on KGWL-TV using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on KGWL-TV, over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KGWC-DT, Casper, WY  
File No. BEPCDT-20020301AAJ  
Facility ID No. 63177

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of KGWC-TV, Casper, Wyoming, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on KGWC-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on KGWC-TV over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Pappas Telecasting of Concord, a California Limited Partnership  
c/o Kathleen Victory, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 N. 19<sup>th</sup> Street  
Suite 1100  
Arlington, VA 22209

Re: Request for Extension of Time to Construct  
Digital Facilities  
KFWU-DT, Fort Bragg, CA  
File No. BEPCDT-20020301AFJ  
Facility ID No. 8378

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Pappas Telecasting of Concord, a California Limited Partnership (Pappas Telecasting), licensee of KFWU(TV), Fort Bragg, California. Knight certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Pappas Telecasting's specific financial condition warrants an extension, we request the relevant audited income statement(s) that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Pappas Telecasting's specific financial condition, with particular reference to the operations on KFWU(TV), over an economically significant period of time.<sup>4</sup> We also request documentary support demonstrating Pappas Telecasting's good faith effort to acquire financing and construct, such as affidavits from lenders or other financial institutions. We seek evidence that Pappas Telecasting has made a good faith attempt to minimize the financial burdens of the DTV buildout. Finally, we request that Pappas Telecasting provide a reasonable estimate of when it plans to complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Pappas Telecasting of Concord, a California Limited Partnership  
c/o Harry J. Pappas, General Partner  
500 South Chinowth Road  
Visalia, CA 93277

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

First National Broadcasting Corp.  
c/o Jason Roberts, Esq.  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, D.C. 20036-3101

Re: Request for Extension of Time to Construct  
Digital Facilities  
KFNR-DT, Rawlins, Wyoming  
File No. BEPCDT-20020226ADH  
Facility ID No. 21612

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of First National Broadcasting Corp. (FNBC), licensee of KFNR-TV, Rawlins, Wyoming. FNBC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In particular, FNBC cites its status as a satellite of KFNB-TV, Casper, Wyoming, and the slow process of arranging funds for financing KFNR-DT's digital facility.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether FNBC's specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate FNBC's financial condition, with specific reference to KFNR-TV's operations, over an economically significant period of time.<sup>4</sup> We also request that FNBC provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary evidence of its inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: First National Broadcasting Corp.  
c/o Mark Nalbone, Assistant Secretary  
1856 Skyview Drive  
Casper, Wyoming 82601

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

First National Broadcasting Corp.  
c/o Jason Roberts, Esq.  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, D.C. 20036-3101

Re: Request for Extension of Time to Construct  
Digital Facilities  
KFNE-DT, Riverton, Wyoming  
File No. BEPCDT-20020226ADF  
Facility ID No. 21613

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of First National Broadcasting Corp. (FNBC), licensee of KFNE-TV, Riverton, Wyoming. FNBC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In particular, FNBC cites its status as a satellite of KFNB-TV, Casper, Wyoming, and the slow process of arranging funds for financing KFNE-DT's digital facility.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether FNBC's specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate FNBC's financial condition, with specific reference to KFNE-TV's operations, over an economically significant period of time.<sup>4</sup> We also request that FNBC provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary evidence of its inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: First National Broadcasting Corp.  
c/o Mark Nalbone, Assistant Secretary  
1856 Skyview Drive  
Casper, Wyoming 82601

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

Wyomedia Corporation  
c/o Jason Roberts, Esq.  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, D.C. 20036-3101

Re: Request for Extension of Time to Construct  
Digital Facilities  
KFNB-DT, Casper, Wyoming  
File No. BEPCDT-20020226ADG  
Facility ID No. 74256

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Wyomedia Corporation (Wyomedia), licensee of KFNB-TV, Casper, Wyoming. Wyomedia certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In particular, Wyomedia cites its declining revenues over the last four years

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Wyomedia's specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Wyomedia's financial condition, with specific reference to KFNB-TV's operations, over an economically significant period of time.<sup>4</sup> We also request that Wyomedia provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary evidence of its inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Wyomedia Corporation  
c/o Mark Nalbone, Secretary/Treasurer  
1856 Skyview Drive  
Casper, Wyoming 82601

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

KEVN, Inc.  
c/o Jacqueline P. Cleary, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth Street, N.W.  
Washington, D.C. 20004-1109

Re: Request for Extension of Time to Construct  
Digital Facilities  
KIVV-DT, Lead, South Dakota  
File No. BEPCDT-20020301AFW  
Facility ID No. 34348

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of KEVN, Inc. (KEVN), licensee of KIVV-TV, Lead, South Dakota. KEVN certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, KEVN states that it has not been able to “go forward with the substantial investment required to implement DTV operations,” since it lacks capital “from the stations’ operating budgets” and because “it has not had additional financing sources available” to it.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee’s control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to “consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station’s financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that KEVN provide an itemized estimate of the cost of construction of digital facilities on KIVV-DT, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether KEVN's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate KEVN's financial condition, with particular reference to the operations of KIVV-TV, over an economically significant period of time.<sup>4</sup> We also request documentary evidence of KEVN's inability to acquire financing, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when KEVN's financial condition would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: KEVN, Inc.  
c/o William S. Reyner, Jr., President  
1031 East Mountain Drive Road  
Santa Barbara, California 93108

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Ruby Mountain Broadcasting Company  
c/o Ralph Toddre, President  
1500 Foremaster Lane  
Las Vegas, NV 89101

Re: Request for Extension of Time to Construct  
Digital Facilities  
KENV-DT, Elko, NV  
File No. BEPCDT-20020219AAL  
Facility ID No. 63845

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Ruby Mountain Broadcasting Company (Ruby Mountain), licensee of KENV(TV), Elko, NV. Ruby Mountain certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Ruby Mountain states that it has made "good faith" efforts to construct its DTV facilities, but that "its historical and projected financial situation precludes it" from purchasing the necessary equipment at this time. Moreover, Ruby Mountain states that acquiring lender financing is not feasible given the annual projected debt service.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The showing should reflect a particular station's financial status over an economically significant period of time.<sup>4</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Ruby Mountain provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions. In order to determine whether Ruby Mountain's specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Ruby Mountain's financial condition over an economically significant period of time. Finally, we request that Ruby Mountain provide a reasonable estimate of when its financial condition would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Red River Broadcast Co., LLC  
c/o Arthur B. Goodkind, Esq.  
Holland and Knight LLP  
2099 Pennsylvania Avenue  
Suite 100  
Washington, D.C. 20006

Re: Request for Extension of Time to Construct  
Digital Facilities  
KDLV-DT, Mitchell, SD  
File No. BEPCDT-20020215ACD  
Facility ID No. 55375

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Red River Broadcast Co., LLC (Red River), licensee of KDLV-TV, Mitchell, SD. Red River, which controls 4 DTV licenses, is under common ownership with KQDS Acquisition Company (KQDS), licensee of KQDS-TV, Duluth, MN. Red River certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Red River attaches the Declaration of Carrie Robinson who states that KQDS and Red River have operated at substantial losses and with negative cash flow over the last two years. Because of the negative cash flow, Robinson states, Curtis Squire, Inc. (Curtis Squire), 85% owner of both KQDS and Red River, has provided cash infusions to fund operations. Carrie Robinson concludes that “[u]nder our present circumstances, no lender would advance KQDS or Red River the additional funds to construct the DTV stations.” According to Carrie Robinson, KQDS and Red River will not be able to begin construction of DTV facilities until they are able to achieve break-even status, at the very least.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee’s control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to “consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Red River provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary evidence of its inability to raise capital, such as affidavits from lenders or other financial institutions. We also seek justification for the particular cost assumptions contained in the showing, with particular reference to attempts to acquire cost-effective equipment reasonably necessary for DTV operations on KDLV-DT. Finally, In order to determine whether Red River's specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Red River's financial condition, with particular reference to KDLV-TV, over an economically significant period of time.<sup>4</sup>

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: Red River Broadcast Co., LLC  
c/o Ro Grignon, President  
P.O. Box 9115  
Fargo, ND 58106

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*





Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Red River Broadcast Co., LLC  
c/o Arthur B. Goodkind, Esq.  
Holland and Knight LLP  
2099 Pennsylvania Avenue  
Suite 100  
Washington, D.C. 20006

Re: Request for Extension of Time to Construct  
Digital Facilities  
KDLT-DT, Sioux Falls, SD  
File No. BEPCDT-20020215ACF  
Facility ID No. 55379

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Red River Broadcast Co., LLC (Red River), licensee of KDLT-TV, Sioux Falls, SD. Red River, which controls 4 DTV licenses, is under common ownership with KQDS Acquisition Company (KQDS), licensee of KQDS-TV, Duluth, MN. Red River certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Red River attaches the Declaration of Carrie Robinson who states that KQDS and Red River have operated at substantial losses and with negative cash flow over the last two years. Because of the negative cash flow, Robinson states, Curtis Squire, Inc. (Curtis Squire), 85% owner of both KQDS and Red River, has provided cash infusions to fund operations. Carrie Robinson concludes that “[u]nder our present circumstances, no lender would advance KQDS or Red River the additional funds to construct the DTV stations.” According to Carrie Robinson, KQDS and Red River will not be able to begin construction of DTV facilities until they are able to achieve break-even status, at the very least.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee’s control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to “consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Red River provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary evidence of its inability to raise capital, such as affidavits from lenders or other financial institutions. We also seek justification for the particular cost assumptions contained in the showing, with particular reference to attempts to acquire cost-effective equipment reasonably necessary for DTV operations on KDLT-DT. Finally, In order to determine whether Red River's specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Red River's financial condition, with particular reference to KDLT-TV, over an economically significant period of time.<sup>4</sup>

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: Red River Broadcast Co., LLC  
c/o Ro Grignon, President  
P.O. Box 9115  
Fargo, ND 58106

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*





Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KDLH-DT, Duluth, MN  
File No. BEPCDT-20020301ABB  
Facility ID No. 4691

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of KDLH(TV), Duluth, Minnesota, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on KDLH-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on KDLH(TV) over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

Seal Rock Broadcasters, L.L.C.  
c/o John E. Fiorini, III, Esq.  
Wiley Rein & Fielding, LLP  
1776 K Street, NW  
Washington, D.C. 20006

Re: Request for Extension of Time to Construct  
Digital Facilities  
KCBA(TV), Salinas, California  
File No. BEPCDT-20020301AEA  
Facility ID No. 14867

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Seal Rock Broadcasters, L.L.C. (Seal Rock), licensee of KCBA(TV), Salinas, California. Seal Rock certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Seal Rock states that it does not have funds available to complete construction of DTV facilities, and that its senior lender, Wells Fargo Bank, NA, has declined to extend additional financing.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Seal Rock's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Seal Rock's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Seal Rock's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Seal Rock Broadcasters, LLC  
c/o George Kriste, Manager  
1409 140<sup>th</sup> Place, N.E.  
Bellevue, Washington 98007

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KAUZ-DT, Wichita Falls, TX  
File No. BEPCDT-20020301AAW  
Facility ID No. 6864

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of KAUZ-TV, Wichita Falls, Texas and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on KAUZ-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on KAUZ-TV over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Beartooth Communications Company  
c/o Jason Roberts, Esq.  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, D.C. 20036-3101

Re: Request for Extension of Time to Construct  
Digital Facilities  
KTVH-DT, Helena, Montana  
File No. BEPCDT-20020219AAD  
Facility ID No. 5290

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Beartooth Communications Company (Beartooth), licensee of KTVH(TV), Helena, Montana. Beartooth certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Beartooth states that requiring it to purchase the necessary equipment for DTV conversion "would create a serious and threatening financial hardship." Beartooth further states that it has made attempts to secure financing, "but such requests have been denied as a result of the company's financial situation."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The showing should reflect a particular station's financial status over an economically significant period of time.<sup>4</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Beartooth provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions. We also request that Beartooth provide a reasonable estimate of when its financial condition would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: Beartooth Communications Company  
c/o Ralph Toddre, President  
1500 Foremaster Lane  
Las Vegas, NV 89101

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

Pacific Telestations, Inc.  
c/o John Wells King, Esq.  
Garvey, Schubert & Barer  
1000 Potomac Street, NW  
Fifth Floor  
Washington, D.C. 20007

Re: Request for Extension of Time to Construct  
Digital Facilities  
KUAM-DT, Agana, Guam  
File No. BEPCDT-20020227ABA  
Facility ID No. 51233

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Pacific Telestations, Inc. (Pacific), licensee of KUAM-TV, Hagatna, Guam. Pacific certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In particular, Pacific cites its history of unprofitability, as well as its unsuccessful effort to acquire a loan from the US Small Business Administration. Pacific also notes that KUAM-TV has been operating in the midst of a prolonged economic depression in the Territory of Guam.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Pacific provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Pacific's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Pacific's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Pacific's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Pacific's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Pacific Telestations, Inc.  
c/o Joseph G. Calvo, President  
600 Harmon Loop Road  
Suite 102  
Dededo, Guam 96912

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 2, 2002

Mitts Telecasting Company  
c/o John R. Wilner, Esq.  
Bryan Cave, LLP  
700 13<sup>th</sup> Street, N.W.  
Suite 600  
Washington, D.C. 20005

Re: Request for Extension of Time to Construct  
Digital Facilities  
KXVO-DT, Omaha, NE  
File No. BEPCDT-20020301AGG  
Facility ID No. 23277

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Mitts Telecasting Company (Mitts), licensee of KXVO(TV), Omaha, Nebraska. Pappas Telecasting of the Midlands, a California Limited Partnership (Pappas Telecasting), programs KXVO(TV) pursuant to a Time Brokerage Agreement (TBA). Mitts certifies that construction cannot be completed by the applicable May 1, 2002 deadline for technical and legal reasons. Specifically, construction of DTV facilities, as originally planned, was delayed due to "tower loading issues." Mitts further states that the Commission's determination to permit applicants to construct minimal DTV facilities ameliorated the tower loading issue, but that the new construction plans caused delays as it now needed to order the appropriate equipment and schedule tower construction crews.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Scanlan provide a more detailed showing regarding its good faith efforts to construct station WGTQ-DT. In particular, we request that Scanlan

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Apple Valley Broadcasting, Inc.  
c/o Darrell Blue, Vice President and General Manager  
601 N. Edison Street  
Kennewick, WA 99336

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Falls Broadcasting Company  
c/o Ralph Toddre, President  
1500 Foremaster Lane  
Las Vegas, NV 89101

Re: Request for Extension of Time to Construct  
Digital Facilities  
KXTF-DT, Twin Falls, ID  
File No. BEPCDT-20020219AAK  
Facility ID No. 1255

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Falls Broadcasting Company (Falls Broadcasting), licensee of KXTF(TV), Twin Falls, ID. Falls Broadcasting certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Falls Broadcasting states that it has made "good faith" efforts to construct its DTV facilities, but that "its historical and projected financial situation precludes it" from purchasing the necessary equipment at this time. Moreover, Falls Broadcasting states that acquiring lender financing is not feasible given the annual projected debt service.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The showing should reflect a particular station's financial status over an economically significant period of time.<sup>4</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Falls Broadcasting provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions. In order to determine whether Falls Broadcasting's specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Falls Broadcasting's financial condition over an economically significant period of time. Finally, we request that Falls Broadcasting provide a reasonable estimate of when its financial condition would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days upon receipt of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Sierra Broadcasting Company  
c/o J. Dominic Monahan, Esq.  
Luvaas, Cobb, Richards & Fraser  
Suite 300  
777 High Street  
Eugene, OR 97401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KWNV-DT, Winnemucca, NV  
File No. BEPCDT-20020219AAN  
Facility ID No. 63846

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Sierra Broadcasting Company (Sierra Broadcasting), licensee of KWNV(TV), Winnemucca, NV. Sierra Broadcasting certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Sierra Broadcasting states that it has made "good faith" efforts to construct its DTV facilities, but that "its historical and projected financial situation precludes it" from purchasing the necessary equipment at this time. Moreover, Sierra Broadcasting states that acquiring lender financing is not feasible given the annual projected debt service.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The showing should reflect a particular station's financial status over an economically significant period of time.<sup>4</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Sierra Broadcasting provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions. In order to determine whether Sierra Broadcasting's specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Sierra Broadcasting's financial condition over an economically significant period of time. Finally, we request that Sierra Broadcasting provide a reasonable estimate of when its financial condition would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: Sierra Broadcasting Company  
c/o Ralph Toddre, President  
1500 Foremaster Lane  
Las Vegas, NV 89101

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

Pappas Telecasting of Central Nebraska, A California Limited Partnership  
c/o Kathrine L. Calderazzi, Esq.  
Paul Hastings Janofsky & Walker, LLP  
1299 Pennsylvania Avenue, N.W.  
Tenth Floor  
Washington, D.C. 20004-2400

Re: Request for Extension of Time to Construct  
Digital Facilities  
KWNB-DT, Hayes Center, Nebraska  
File No. BEPCDT-20020301AGE  
Facility ID No. 21162

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Pappas Telecasting of Central Nebraska (Pappas), licensee of KWNB(TV), Hayes Center, Nebraska. Pappas certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In this regard, Pappas states that KWNB(TV) operates as a satellite of KHGI(TV), and further states that it operates stations KTVG(TV), Grand Island, Nebraska, and KSNB(TV), Superior, Nebraska, pursuant to time brokerage agreements, under which it has committed to constructing DTV facilities for both stations. Pappas cites its negative cash flow from operations as evidence of its financial inability to complete DTV at this time.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Pappas' specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Pappas' financial condition, with specific reference to KWNB(TV)'s operations, over an economically significant period of time.<sup>4</sup> We also request that Pappas provide a specific showing regarding its attempts to construct, with particular reference to its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary evidence of its inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Pappas' financial condition would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Pappas Telecasting of Central Nebraska, A California Limited Partnership  
c/o Harry J. Pappas, General Partner  
500 South Chinowth Road  
Visalia, CA 93277

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

LeSea Broadcasting Corporation  
c/o Joseph C. Chautin, III, Esq.  
Hardy, Carey & Chautin, LLP  
110 Veterans Blvd.  
Suite 300  
Metairie, LA 70005

Re: Request for Extension of Time to Construct  
Digital Facilities  
KWHM(TV), Wailuku, Hawaii  
File No. BEPCDT-20020226ABD  
Facility ID No. 37105

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the LeSea Broadcasting Corporation (LeSea), licensee of KWHM(TV), Wailuku, Hawaii. LeSea certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to a property dispute involving the proposed tower site, as well as financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. We request a more detailed description of the substance of the dispute between Elmer Cravalho, the sublessor of the property upon which KWHM-DT's tower was originally sited, and Alexander and Baldwin Properties, Inc., the owner of the property. We also request documentary evidence of LeSea's good faith efforts to acquire financing, such as affidavits from lenders or other financial institutions. In order to determine whether LeSea's specific financial condition warrants an extension, we request the relevant audited income statements(s), or other probative evidence, that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should cover an economically significant period of time, and should be specific to operations on KWHM(TV).<sup>4</sup> Finally, we request that LeSea provide a reasonable estimate of when it will complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: LeSea Broadcasting Corporation  
c/o Peter Sumrall, Vice-President  
P.O. Box 12  
South Bend, IN 46624

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

LeSea Broadcasting Corporation  
c/o Joseph C. Chautin, III, Esq.  
Hardy, Carey & Chautin, LLP  
110 Veterans Blvd.  
Suite 300  
Metairie, LA 70005

Re: Request for Extension of Time to Construct  
Digital Facilities  
KWHH-DT, Hilo, Hawaii  
File No. BEPCDT-20020226ABA  
Facility ID No. 37103

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the LeSea Broadcasting Corporation (LeSea), licensee of KWHH(TV), Hilo, Hawaii. LeSea certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to a lease dispute at the proposed tower site, as well as financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. We request a more detailed explanation as to why the tower owner's reluctance to enter into a lease with LeSea in light of the existing long-term lease of space on the tower was unforeseeable. We also request a more detailed explanation as to why the lack of space on the original proposed tower site was an unforeseeable condition. With respect to financial inability to construct, we request documentary evidence of LeSea's good faith efforts to acquire financing, such as affidavits from lenders or other financial institutions. In order to determine whether LeSea's specific financial condition warrants an extension, we request the relevant audited income statements(s), or other probative evidence, that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should cover an economically significant period of time, and should be specific to operations on KWHH(TV).<sup>4</sup> Finally, we request that LeSea provide a reasonable estimate of when it will complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: LeSea Broadcasting Corporation  
c/o Peter Sumrall, Vice-President  
P.O. Box 12  
South Bend, IN 46624

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

LeSea Broadcasting Corporation  
c/o Joseph C. Chautin, III, Esq.  
Hardy, Carey & Chautin, LLP  
110 Veterans Blvd.  
Suite 300  
Metairie, LA 70005

Re: Request for Extension of Time to Construct  
Digital Facilities  
KWHE-DT, Honolulu, Hawaii  
File No. BEPCDT-20020226ABB  
Facility ID No. 36846

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the LeSea Broadcasting Corporation (LeSea), licensee of KWHE(TV), Honolulu, Hawaii. LeSea certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to potential legal problems involving the proposed tower site, as well as financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. We request a more detailed explanation as to why the various condominium declarations were an *unforeseeable* condition affecting construction. LeSea should provide a more detailed description of the content of the condominium declarations at issue. We also request documentary evidence of LeSea's good faith efforts to acquire financing, such as affidavits from lenders or other financial institutions. In order to determine whether LeSea's specific financial condition warrants an extension, we request the relevant audited income statements(s), or other probative evidence, that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should cover an economically significant period of time, and should be specific to operations on KWHE(TV).<sup>4</sup> Finally, we request that LeSea provide a reasonable estimate of when it will complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: LeSea Broadcasting Corporation  
c/o Peter Sumrall, Vice-President  
P.O. Box 12  
South Bend, IN 46624

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

LeSea Broadcasting Corporation  
c/o Joseph C. Chautin, III, Esq.  
Hardy, Carey & Chautin, LLP  
110 Veterans Blvd.  
Suite 300  
Metairie, LA 70005

Re: Request for Extension of Time to Construct  
Digital Facilities  
KWHD-DT, Castle Rock, Colorado  
File No. BEPCDT-20020226ABC  
Facility ID No. 37101

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the LeSea Broadcasting Corporation (LeSea), licensee of KWHD(TV), Castle Rock, Colorado. LeSea certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to a number of problems involving the tower site, as well as financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. We request documentary evidence of LeSea's good faith efforts to acquire financing, such as affidavits from lenders or other financial institutions. In order to determine whether LeSea's specific financial condition warrants an extension, we request the relevant audited income statements(s), or other probative evidence, that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should cover an economically significant period of time, and should be specific to operations on KWHD(TV).<sup>4</sup> Finally, we request that LeSea provide a reasonable estimate of when they plan to acquire the necessary financing and complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: LeSea Broadcasting Corporation  
c/o Peter Sumrall, Vice-President  
P.O. Box 12  
South Bend, IN 46624

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

LeSea Broadcasting Corporation  
c/o Joseph C. Chautin, III, Esq.  
Hardy, Carey & Chautin, LLP  
110 Veterans Blvd.  
Suite 300  
Metairie, LA 70005

Re: Request for Extension of Time to Construct  
Digital Facilities  
KWHB-DT, Tulsa, Oklahoma  
File No. BEPCDT-20020226ABE  
Facility ID No. 37099

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the LeSea Broadcasting Corporation (LeSea), licensee of KWHB(TV), Tulsa, Oklahoma. LeSea certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to a number of problems involving the tower site, as well as financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. We request documentary evidence of LeSea's good faith efforts to acquire financing, such as affidavits from lenders or other financial institutions. In order to determine whether LeSea's specific financial condition warrants an extension, we request the relevant audited income statements(s), or other probative evidence, that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should cover an economically significant period of time, and should be specific to operations on KWHB(TV).<sup>4</sup> Finally, we request that LeSea provide a reasonable estimate of when it will complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: LeSea Broadcasting Corporation  
c/o Peter Sumrall, Vice-President  
P.O. Box 12  
South Bend, IN 46624

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Agape Church, Inc.  
c/o John E. Fiorini, Esq.  
Wiley Rein & Fielding, LLP  
1776 K Street, N.W.  
Washington, DC 20006

Re: Request for Extension of Time to Construct  
Digital Facilities  
KVTN(TV), Pine Bluff, Arkansas  
File No. BEPCDT-20020301ACW  
Facility ID No. 607

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the Agape Church, Inc. (Agape), licensee of KVTN(TV), Pine Bluff, Arkansas. Agape certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Agape's specific financial condition warrants an extension, we request the relevant audited income statements(s) that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Agape's financial condition, with particular reference to KVTN(TV), over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Agape's inability to acquire financing, such as affidavits from lenders or other financial institutions. Finally, we request a reasonable estimate of when Agape's financial condition will permit acquisition of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Agape Church, Inc.  
c/o Reverend H.L. Caldwell, II, President  
701 Napa Valley Drive  
Little Rock, Arkansas 72211

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Agape Church, Inc.  
c/o John E. Fiorini, Esq.  
Wiley Rein & Fielding, LLP  
1776 K Street, N.W.  
Washington, DC 20006

Re: Request for Extension of Time to Construct  
Digital Facilities  
KVTJ(TV), Jonesboro, Arkansas  
File No. BEPCDT-20020301ACZ  
Facility ID No. 2784

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the Agape Church, Inc. (Agape), licensee of KVTJ(TV), Jonesboro, Arkansas. Agape certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Agape's specific financial condition warrants an extension, we request the relevant audited income statements(s) that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Agape's financial condition, with particular reference to KVTJ(TV), over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Agape's inability to acquire financing, such as affidavits from lenders or other financial institutions. Finally, we request a reasonable estimate of when Agape's financial condition will permit acquisition of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Agape Church, Inc.  
c/o Reverend H.L. Caldwell, II, President  
701 Napa Valley Drive  
Little Rock, Arkansas 72211

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Agape Church, Inc.  
c/o John E. Fiorini, Esq.  
Wiley Rein & Fielding, LLP  
1776 K Street, N.W.  
Washington, DC 20006

Re: Request for Extension of Time to Construct  
Digital Facilities  
KVTH(TV), Hot Springs, Arkansas  
File No. BEPCDT-20020301ACX  
Facility ID No. 608

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the Agape Church, Inc. (Agape), licensee of KVTH(TV), Hot Springs, Arkansas. Agape certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Agape's specific financial condition warrants an extension, we request the relevant audited income statements(s) that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Agape's financial condition, with particular reference to KVTH(TV), over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Agape's inability to acquire financing, such as affidavits from lenders or other financial institutions. Finally, we request a reasonable estimate of when Agape's financial condition will permit acquisition of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Agape Church, Inc.  
c/o Reverend H.L. Caldwell, II, President  
701 Napa Valley Drive  
Little Rock, Arkansas 72211

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Red River Broadcast Co., LLC  
c/o Arthur B. Goodkind, Esq.  
Holland and Knight LLP  
2099 Pennsylvania Avenue  
Suite 100  
Washington, D.C. 20006

Re: Request for Extension of Time to Construct  
Digital Facilities  
KVRR-DT, Fargo, ND  
File No. BEPCDT-20020215ACE  
Facility ID No. 55372

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Red River Broadcast Co., LLC (Red River), licensee of KVRR(TV), Mitchell, SD. Red River, which controls 4 DTV licenses, is under common ownership with KQDS Acquisition Company (KQDS), licensee of KQDS-TV, Duluth, MN. Red River certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Red River attaches the Declaration of Carrie Robinson who states that KQDS and Red River have operated at substantial losses and with negative cash flow over the last two years. Because of the negative cash flow, Robinson states, Curtis Squire, Inc. (Curtis Squire), 85% owner of both KQDS and Red River, has provided cash infusions to fund operations. Carrie Robinson concludes that “[u]nder our present circumstances, no lender would advance KQDS or Red River the additional funds to construct the DTV stations.” According to Carrie Robinson, KQDS and Red River will not be able to begin construction of DTV facilities until they are able to achieve break-even status, at the very least.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee’s control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to “consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Red River provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary evidence of its inability to raise capital, such as affidavits from lenders or other financial institutions. We also seek justification for the particular cost assumptions contained in the showing, with particular reference to attempts to acquire cost-effective equipment reasonably necessary for DTV operations on KVRN-DT. Finally, In order to determine whether Red River's specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Red River's financial condition, with particular reference to KVRN(TV), over an economically significant period of time.<sup>4</sup>

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: Red River Broadcast Co., LLC  
c/o Ro Grignon, President  
P.O. Box 9115  
Fargo, ND 58106

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

National Communications, Inc.  
c/o James A. Koerner, Esq.  
Koerner & Olender, P.C.  
5809 Nicholson Lane  
North Bethesda, MD 20852

Re: Request for Extension of Time to Construct  
Digital Facilities  
KVHP-DT, Lake Charles, LA  
File No. BEPCDT-20020220ABY  
Facility ID No. 35852

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of National Communications, Inc. (National Communications), licensee of KVHP(TV), Lake Charles, LA. National Communications certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, National Communications states that “[s]ince Station KVHP has been losing money, it is not possible to fund this build-out with existing cash flow.” National Communications further states that its lender would not provide funding to purchase the necessary equipment since the station has shown no profit for the last two years.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee’s control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to “consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station’s financial resources.”<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that National Communications provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether National Communications' specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate National Communications' financial condition over an economically significant period of time.<sup>4</sup> We request that National Communications provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when National Communications' financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: National Communications, Inc.  
c/o Syd Dyer, Jr., President  
129 West Prien Lake Road  
Lake Charles, LA 70601

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 2, 2002

Apple Valley Broadcasting, Inc.  
c/o Robert J. Rini, Esq.  
Manatt, Phelps & Phillips, LLP  
1501 M Street, N.W.  
Suite 700  
Washington, D.C. 20005

Re: Request for Extension of Time to Construct  
Digital Facilities  
KVEW-DT, Kennewick, WA  
File No. BEPCDT-20020304ACP  
Facility ID No. 2495

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Apple Valley Broadcasting, Inc. (Apple Valley), licensee of KVEW(TV), Kennewick, Washington. Apple Valley certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability, as well as legal delays.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Apple Valley provide a more detailed showing regarding its good faith efforts, negotiations, or other actions to finance construction of DTV facilities. The showing should explain why the efforts have been unsuccessful, and should include documentary support, such as affidavits from lenders or other financial institutions. We also request that Apple Valley provide a reasonable estimate of when it expects to complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Apple Valley Broadcasting, Inc.  
c/o Darrell Blue, Vice President and General Manager  
601 N. Edison Street  
Kennewick, WA 99336

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
KUPK-DT, Garden City, KS  
File No. BEPCDT-20020228ADA  
Facility ID No. 65535

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of KUPK-TV, Garden City, Kansas, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). KUPK-TV operates as a satellite of KAKE-TV, Wichita, Kansas in the Wichita, Kansas Designated Market Area (DMA). BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on KUPK-TV using a phase-in approach, in light of the financial and other constraints it faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate BLC's financial condition, with particular reference to the operations on KUPK-TV, over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Waitt Broadcasting, Inc.  
c/o Lawrence Bernstein  
Law Offices of Lawrence Bernstein  
Suite 700  
1818 N Street, N.W.  
Washington, D.C. 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
KYOU-DT, Ottumwa, IA  
File No. BEPCDT-20020220ABV  
Facility ID No. 53820

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Waitt Broadcasting, Inc. (Waitt Broadcasting), licensee of KYOU-TV, Ottumwa, IA. Waitt Broadcasting is the wholly owned subsidiary of Waitt Media, Inc. (Waitt Media), which ultimately controls 5 broadcast television licenses. Waitt Broadcasting certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Waitt Broadcasting states that “[a]t the present, given the station’s difficult financial position and the extremely low level of DTV receiver penetration in the tiny Ottumwa-Kirksville two-station television market, ranked 199<sup>th</sup> out of Nielsen’s 210 markets nationwide, expenditure of the considerable resources required for even low-power digital operations would place KYOU in an even more precarious financial position.” As support for this assertion, Waitt Broadcasting attaches the audited Consolidated Income Statement of Waitt Media’s five broadcast television stations, and the relevant Income Statement of KYOU-TV.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee’s control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to “consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The showing should reflect a particular station's financial status over an economically significant period of time.<sup>4</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Waitt Broadcasting provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. We further request that Waitt Broadcasting provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request that Waitt Broadcasting provide a reasonable estimate of when its financial condition would permit purchase of the necessary equipment and complete construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: Waitt Broadcasting, Inc.  
c/o Michael J. Delich, President  
1125 South 103rd Street  
Suite 200  
Omaha, NE 68124

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
WBKO-DT, Bowling Green, Kentucky  
File No. BEPCDT-20020228ABY  
Facility ID No. 4692

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of WBKO(TV), Bowling Green, Kentucky, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on WBKO(TV) using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on WBKO(TV), over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



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Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Hutchens Communications, Inc.  
c/o Brian Madden, Esq.  
Leventhal, Senter & Lerman  
2000 K Street, N.W.  
Suite 600  
Washington, DC 20006-1809

Re: Request for Extension of Time to Construct  
Digital Facilities  
WVAG-DT, Valdosta, Georgia  
File No. BEPCDT-20020301AEW  
Facility ID No. 28155

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the Hutchens Communications, Inc. (Hutchens), licensee of WVAG(TV), Valdosta, Georgia. Hutchens certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability resulting from pending litigation.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. We request documentary evidence of Hutchens' good faith efforts to construct or acquire financing. The documentary evidence may include affidavits from lenders or other financial institutions, as well as, if possible, a detailed price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. The showing should also describe the efforts by Hutchens to construct despite the problems posed by the pending litigation. In order to determine whether Hutchens' specific financial condition warrants an extension, we request the relevant audited income statements(s), or other probative evidence, that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should cover an economically significant period of time.<sup>4</sup> Finally, we request a reasonable estimate of when Hutchens' financial condition will permit acquisition of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Hutchens Communications, Inc.  
c/o Donald Meinke, President  
1804 East Park Avenue  
Valdosta, GA 31602

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
WTVY(TV), Dothan, Alabama  
File No. BEPCDT-20020228ABX  
Facility ID No. 4152

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of WTVY(TV), Dothan, Alabama, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on WTVY(TV) using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on WTVY(TV), over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Quorum of Indiana License, LLC  
c/o Elizabeth Hammond  
Drinker Biddles & Reath LLP  
1500 K Street, NW  
Suite 1100  
Washington, DC 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities  
WTVW-DT, Evansville, Indiana  
File No. BEPCDT-20020301AGU  
Facility ID No. 3661

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the Quorum of Indiana License, LLC (Quorum Indiana), licensee of WTVW(TV), Evansville, Indiana. Quorum Indiana certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Quorum Indiana's specific financial condition warrants an extension, we request the relevant audited income statements(s) that applicants are required to keep available, as set forth in the instructions to the FCC Form 337, or other probative evidence of Quorum Indiana's specific financial condition. The income statement(s) should be specific to Quorum Indiana, with particular reference to operations on WTVW(TV). Quorum Indiana's showing should cover an economically significant period of time.<sup>4</sup> We also request documentary evidence of Quorum Indiana's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Quorum of Indiana License, LLC  
c/o David Pulido, Executive Vice President  
10 New England Business Center, Suite 100  
Andover, MA 02180

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
WTRF-DT, Wheeling, WV  
File No. BEPCDT-20020301AAU  
Facility ID No. 6869

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of WTRF-TV, Wheeling, West Virginia, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on WTRF-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on WTRF-TV over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
WTOK-DT, Meridian, MS  
File No. BEPCDT-20020301AAM  
Facility ID No. 4686

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of WTOK-TV, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on WTOK-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on WTOK-TV over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

American Christian Television Services, Inc.  
c/o John M. Burgett, Esq.  
Wiley Rein & Fielding, LLP  
1776 K Street, NW  
Washington, D.C. 20009

Re: Request for Extension of Time to Construct  
Digital Facilities  
WTLW-DT, Lima, OH  
File No. BEPCDT-20020225AAN  
Facility ID No. 1222

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of American Christian Television Services, Inc. (ACTS), licensee of WTLW-TV, Lima, OH. ACTS certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In particular, ACTS cites its non-profit status, stating that it has had difficulty in raising the necessary funds from viewers.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether ACTS' specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate ACTS' financial condition over an economically significant period of time.<sup>4</sup>

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: American Christian Television Services, Inc.  
c/o Kevin Bowers, President  
1844 Batty Road  
Lima, OH 45807

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

Bluenose Broadcasting of Savannah, LLC  
c/o Joseph A. Godles, Esq.  
Goldberg Godles Wiener & Wright  
1229 19<sup>th</sup> Street, N.W.  
Washington, D.C. 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
WTGS-DT, Hardeeville, South Carolina  
File No. BEPCDT-20020304ACS  
Facility ID No. 27245

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Bluenose Broadcasting of Savannah, LLC (Bluenose), licensee of WTGS(TV), Hardeeville, South Carolina. Bluenose certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Bluenose provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Bluenose's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Bluenose's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Bluenose's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Bluenose's financial condition would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Bluenose Broadcasting of Savannah, LLC  
c/o Stephen C. Brissette, Manager  
4101 Lake Boone Trail  
Suite 300  
Raleigh, NC 27607

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
WTAP-DT, Parkersburg, WV  
File No. BEPCDT-20020301AAL  
Facility ID No. 4685

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of WTAP-TV, Parkersburg, West Virginia, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on WTAP-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on WTAP-TV over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Pappas Telecasting of Opelika, A California Limited Partnership  
c/o Kathrine L. Calderazzi, Esq.  
Paul, Hastings, Janofsky & Walker, LLP  
1299 Pennsylvania Avenue, N.W.  
Tenth Floor  
Washington, D.C. 20004-2400

Re: Request for Extension of Time to Construct  
Digital Facilities  
WSWS-DT, Opelika, AL  
File No. BEPCDT-20020301AGA  
Facility ID No. 11113

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Pappas Telecasting of Opelika, a California Limited Partnership (Pappas Telecasting), licensee of WSWS(TV), Opelika, Alabama. Pappas Telecasting certifies that construction cannot be completed by the applicable May 1, 2002 deadline for legal reasons.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant provide specific reasons in support of an extension as well as the specific steps it has taken to mitigate any problems.

We find that the instant extension request is incomplete and request additional information. We request that Pappas Telecasting provide a detailed explanation of the steps it took to construct prior to issuance of the November 1, 2001 Order, which provided for initial build-out of minimal DTV facilities in lieu of complete signal replication. This showing should include attempts to acquire financing, attempts to locate a tower site, and attempts to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

the other steps of DTV implementation. We also request a showing explaining how delays in scheduling tower crews was “unforeseeable,” especially in light of the fact that DTV facilities would need to be constructed irregardless of whether complete signal replication was required. If the reason for failure to take any steps to construct prior to issuance of the November 1, 2001 Order was financial inability, then Pappas Telecasting should make a full financial showing, as set forth in the DTV proceeding and the instructions to the FCC Form 337. Finally, we request a reasonable estimate of when construction of DTV facilities will be completed.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Pappas Telecasting of Opelika, A California Limited Partnership  
c/o Harry J. Pappas, General Partner  
500 South Chinowth Road  
Visalia, CA 93277



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
WSAW-DT, Wausau, WI  
File No. BEPCDT-20020301ABA  
Facility ID No. 6867

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of WSAW-TV, Wausau, Wisconsin, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on WSAW-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on WSAW-TV, over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Waitt License Company of Florida, Inc.  
c/o Lawrence Bernstein  
Law Offices of Lawrence Bernstein  
Suite 700  
1818 N Street, N.W.  
Washington, D.C. 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
WPGX-DT, Panama City, FL  
File No. BEPCDT-20020220ACE  
Facility ID No. 2942

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Waitt License Company of Florida (Waitt Florida), licensee of WPGX(TV), Panama City, FL. Waitt Florida is the indirect subsidiary of Waitt Media, Inc. (Waitt Media), which ultimately controls 5 broadcast television licenses. Waitt Florida certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Waitt Florida states that “[a]t the present, given the station’s difficult financial position and the extremely low level of DTV receiver penetration in the Panama City market, expenditure of the considerable resources required for even low-power digital operations would place WPGX in an even more precarious financial position.” As support for this assertion, Waitt Georgia attaches the audited Consolidated Income Statement of Waitt Media’s five broadcast television stations, and the relevant Income Statement of WPGX(TV).

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee’s control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to “consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station’s financial resources.”<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The showing should reflect a particular station's financial status over an economically significant period of time.<sup>4</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Waitt Florida provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. We further request that Waitt Florida provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request that Waitt Florida provide a reasonable estimate of when its financial condition would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: Waitt License Company of Florida, L.L.C.  
c/o Michael J. Delich, President  
1125 South 103rd Street  
Suite 200  
Omaha, NE 68124

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
WOWT-DT, Omaha, Nebraska  
File No. BEPCDT-20020228ABU  
Facility ID No. 65528

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of WOWT-TV, Omaha, Nebraska, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on WOWT-TV using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on WOWT-TV, over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

C.T.V. of Derry, Inc.  
c/o Donna Cole, GM/VP  
50 Television Place  
Derry, NH 01463

Re: Request for Extension of Time to Construct  
Digital Facilities  
WNDS-DT, Derry, New Hampshire  
File No. BEPCDT-20020227ADJ  
Facility ID No. 14682

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the C.T.V of Derry, Inc. (CTV), licensee of WNDS-TV, Derry, New Hampshire. CTV certifies that construction cannot be completed by the applicable May 1, 2002 deadline as a result of technical delays and a number of other problems, including financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. With respect to the technical delays, we request that CTV file a more specific showing regarding the efforts to acquire the necessary equipment, in particular the good faith efforts made to overcome the technical problems. In order to determine whether CTV's specific financial condition warrants an extension, we request the relevant audited income statements(s) that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. CTV's showing should cover an economically significant period of time.<sup>4</sup> We also request documentary evidence of CTV's good faith efforts to complete construction. Such documentary evidence may demonstrate an inability to acquire financing, and could include affidavits from lenders or other financial institutions. We further request that CTV provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. Finally, we request a detailed estimate of when CTV's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Pappas Telecasting of Wisconsin, a California Limited Partnership  
c/o Kathrine L. Calderazzi, Esq.  
Paul, Hastings, Janofsky & Walker, LLP  
1299 Pennsylvania Avenue, N.W.  
Tenth Floor  
Washington, D.C. 20004-2400

Re: Request for Extension of Time to Construct  
Digital Facilities  
WMMF-DT, Fond Du Lac, WI  
File No. BEPCDT-20020301AFZ  
Facility ID No. 60571

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Pappas Telecasting of Wisconsin, a California Limited Partnership (Pappas Telecasting), licensee of WMMF(TV), Fond Du Lac, Wisconsin. Pappas Telecasting certifies that construction cannot be completed by the applicable May 1, 2002 deadline for legal reasons.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant provide specific reasons in support of an extension as well as the specific steps it has taken to mitigate any problems.

We find that the instant extension request is incomplete and request additional information. We request that Pappas Telecasting provide a detailed explanation of the steps it took to construct prior to issuance of the November 1, 2001 Order, which provided for initial build-out of minimal DTV facilities in lieu of complete signal replication. This showing should include attempts to acquire financing, attempts to locate a tower site, and attempts to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

the other steps of DTV implementation. We also request a showing explaining how delays in scheduling tower crews was “unforeseeable,” especially in light of the fact that DTV facilities would need to be constructed irregardless of whether complete signal replication was required. If the reason for failure to take any steps to construct prior to issuance of the November 1, 2001 Order was financial inability, then Pappas Telecasting should make a full financial showing, as set forth in the DTV proceeding and the instructions to the FCC Form 337. Finally, we request a reasonable estimate of when construction of DTV facilities will be completed.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Pappas Telecasting of Wisconsin, a California Limited Partnership  
c/o Harry J. Pappas, General Partner  
500 South Chinowth Road  
Visalia, CA 93277



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

WMDN, Inc.  
c/o Henry A. Solomon, Esq.  
Garvey, Schubert & Barer  
1000 Potomac Street N.W.  
Fifth Floor  
Washington, D.C. 20007

Re: Request for Extension of Time to Construct  
Digital Facilities  
WMDN-DT, Meridian, Mississippi  
File No. BEPCDT-20020225ACE  
Facility ID No. 73255

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of WMDN, Inc. (WMDN), licensee of WMDN(TV), Meridian, Mississippi. WMDN certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In particular, WMDN cites its history of poor financial performance, its low network compensation, and the substantial capital investment necessary for DTV operations.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that WMDN provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether WMDN's specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate WMDN's financial condition over an economically significant period of time.<sup>4</sup> We also request that WMDN provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: WMDN, Inc.  
c/o Frank K. Spain, President  
P.O. Box 2424  
Meridian, MS 39302

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Lingard Broadcasting Corporation  
c/o Robert E. Levine, Esq.  
555 12<sup>th</sup> Street, N.W.  
Suite 950 North  
Washington, DC 20004

Re: Request for Extension of Time to Construct  
Digital Facilities  
WLOV-DT, West Point, Mississippi  
File No. BEPCDT-20020301AGP  
Facility ID No. 37732

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the Lingard Broadcasting Corporation, licensee of WLOV-TV, West Point, Mississippi. Lingard certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Lingard's specific financial condition warrants an extension, we request the relevant audited income statements(s) that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should cover an economically significant period of time.<sup>4</sup> We also request documentary evidence of Lingard's good faith efforts to acquire financing, such as affidavits from lenders or other financial institutions. Finally, we request a reasonable estimate of when Lingard's financial condition will permit acquisition of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Lingard Broadcasting Corporation  
c/o John R. Lingard, President  
P.O. Box 1732  
Tupelo, MS 38802

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
WILX-DT, Onondaga, MI  
File No. BEPCDT-20020301ABF  
Facility ID No. 6863

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of WILX-TV, Onondaga, Michigan, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on WILX-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on WILX-TV over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
WIFR(TV), Freeport, IL  
File No. BEPCDT-20020301ABD  
Facility ID No. 4689

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of WIFR(TV), Freeport, IL, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on WIFR-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on WIFR(TV), over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
WHSV-DT, Harrisonburg, VA  
File No. BEPCDT-20020301AAQ  
Facility ID No. 4688

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of WHSV-TV, Harrisonburg, Virginia, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on WHSV-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on WHSV-TV over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
WHOI-DT, Peoria, IL  
File No. BEPCDT-20020301ABE  
Facility ID No. 6866

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of WHOI(TV), Peoria, Illinois, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability and technical delays. In particular, BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on WHOI-DT using a phase-in approach, in light of the financial and other constraints that BLC faces.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on WHOI(TV), over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

LeSea Broadcasting Corporation  
c/o Joseph C. Chautin, III, Esq.  
Hardy, Carey & Chautin, LLP  
110 Veterans Blvd.  
Suite 300  
Metairie, LA 70005

Re: Request for Extension of Time to Construct  
Digital Facilities  
WHNO-DT, New Orleans, LA  
File No. BEPCDT-20020226ABG  
Facility ID No. 37106

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the LeSea Broadcasting Corporation (LeSea), licensee of WHNO(TV), New Orleans, Louisiana . LeSea certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to a myriad of technical delays, as well as financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. We request documentary evidence of LeSea's good faith efforts to acquire financing, such as affidavits from lenders or other financial institutions. In order to determine whether LeSea's specific financial condition warrants an extension, we request the relevant audited income statements(s), or other probative evidence, that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should cover an economically significant period of time, and should be specific to operations on WHNO(TV).<sup>4</sup> Finally, we request that LeSea provide a reasonable estimate of when it plans to complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: LeSea Broadcasting Corporation  
c/o Peter Sumrall, Vice-President  
P.O. Box 12  
South Bend, IN 46624

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

LeSea Broadcasting Corporation  
c/o Joseph C. Chautin, III, Esq.  
Hardy, Carey & Chautin, LLP  
110 Veterans Blvd.  
Suite 300  
Metairie, LA 70005

Re: Request for Extension of Time to Construct  
Digital Facilities  
WHME-DT, South Bend, IN  
File No. BEPCDT-20020226ABF  
Facility ID No. 36117

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the LeSea Broadcasting Corporation (LeSea), licensee of WHME(TV), South Bend, Indiana. LeSea certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to a myriad of administrative and siting delays, as well as financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. We request documentary evidence of LeSea's good faith efforts to acquire financing, such as affidavits from lenders or other financial institutions. In order to determine whether LeSea's specific financial condition warrants an extension, we request the relevant audited income statements(s), or other probative evidence, that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should cover an economically significant period of time, and should be specific to operations on WHME(TV).<sup>4</sup> Finally, we request that LeSea provide a reasonable estimate of when it will complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: LeSea Broadcasting Corporation  
c/o Peter Sumrall, Vice-President  
P.O. Box 12  
South Bend, IN 46624

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

LeSea Broadcasting Corporation  
c/o Joseph C. Chautin, III, Esq.  
Hardy, Carey & Chautin, LLP  
110 Veterans Blvd.  
Suite 300  
Metairie, LA 70005

Re: Request for Extension of Time to Construct  
Digital Facilities  
WHMB-DT, Indianapolis, IN  
File No. BEPCDT-20020228ACL  
Facility ID No. 37102

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the LeSea Broadcasting Corporation (LeSea), licensee of WHMB(TV), Indianapolis, Indiana. LeSea certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to a myriad of delays choosing a site for a potential DTV antenna as well as financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. We request documentary evidence of LeSea's good faith efforts to acquire financing, such as affidavits from lenders or other financial institutions. The showing should also describe in greater detail the reasons for changing the site of the DTV antenna at least 3 times, and should also explain why any such decision to change the antenna siting was unforeseeable. In order to determine whether LeSea's specific financial condition warrants an extension, we request the relevant audited income statements(s), or other probative evidence, that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should cover an economically significant period of time, and should be specific to operations on WHMB(TV).<sup>4</sup> Finally, we request that LeSea provide a reasonable estimate of when it will complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: LeSea Broadcasting Corporation  
c/o Peter Sumrall, Vice-President  
P.O. Box 12  
South Bend, IN 46624

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Quorum of Maryland License, LLC  
c/o Elizabeth Hammond  
Drinker Biddles & Reath LLP  
1500 K Street, NW  
Suite 1100  
Washington, DC 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities  
WHAG-DT, Hagerstown, MD  
File No. BEPCDT-20020301AGW  
Facility ID No. 25045

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the Quorum of Maryland License, LLC (Quorum Maryland), licensee of WHAG-TV, Hagerstown, Maryland. Quorum Maryland certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Quorum Maryland's specific financial condition warrants an extension, we request the relevant audited income statements(s) that applicants are required to keep available, as set forth in the instructions to the FCC Form 337, or other probative evidence of Quorum Maryland's specific financial condition. The income statement(s) should be specific to Quorum Maryland, with particular reference to operations on WHAG-TV. Quorum Maryland's showing should cover an economically significant period of time.<sup>4</sup> We also request documentary evidence of Quorum Maryland's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Quorum of Maryland License, LLC  
c/o David Pulido, Executive Vice President  
10 New England Business Center, Suite 100  
Andover, MA 02180

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Brunson Communications, Inc.  
c/o Paul H. Brown, Esq.  
Wood, Maines & Brown  
1827 Jefferson Place, N.W.  
Washington, DC 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
WGTW-DT, Burlington, NJ  
File No. BEPCDT-20020228AFC  
Facility ID No. 7623

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Brunson Communications, Inc. (Brunson), licensee of WGTW(TV), Burlington, N.J. Brunson certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability as well as technical delays.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Brunson provide an *itemized* estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Brunson's specific financial condition warrants an extension, we request the relevant audited income statement(s) that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Brunson's specific financial condition, with particular reference to the operations on WGTW(TV), over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Brunson's good faith effort to construct and acquire financing, such as affidavits from lenders or other financial institutions. Finally, we request that Brunson provide a reasonable estimate of when it plans to complete construction of DTV facilities.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Brunson Communications, Inc.  
c/o Dorothy E. Brunson, Esq.  
3900 Main Street  
Philadelphia, PA 19127

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Waitt License Company of Georgia, L.L.C.  
c/o Lawrence Bernstein  
Law Offices of Lawrence Bernstein  
Suite 700  
1818 N Street, N.W.  
Washington, D.C. 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
WFXL-DT, Albany, GA  
File No. BEPCDT-20020220ACD  
Facility ID No. 70815

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Waitt License Company of Georgia, L.L.C. (Waitt Georgia), licensee of WFXL-TV, Albany, GA. Waitt Georgia is the indirect subsidiary of Waitt Media, Inc. (Waitt Media), which ultimately controls 5 broadcast television licenses. Waitt Georgia certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Waitt Georgia states that “[a]t the present, given the station’s difficult financial position and the extremely low level of DTV receiver penetration in the Albany market, expenditure of the considerable resources required for even low-power digital operations would place WFXL in an even more precarious financial position.” As support for this assertion, Waitt Georgia attaches the audited Consolidated Income Statement of Waitt Media’s five broadcast television stations, and the relevant Income Statement of WFXL-TV.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee’s control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to “consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station’s financial resources.”<sup>2</sup> To

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The showing should reflect a particular station's financial status over an economically significant period of time.<sup>4</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Waitt Georgia provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. We further request that Waitt Georgia provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request that Waitt Georgia provide a reasonable estimate of when its financial condition would permit purchase of the necessary equipment and complete construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: Waitt License Company of Georgia, L.L.C.  
c/o Michael J. Delich, President  
1125 South 103rd Street  
Suite 200  
Omaha, NE 68124

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

GE Media, Inc.  
c/o James A. Koerner, Esq.  
Koerner & Olender, P.C.  
5809 Nicholson Lane  
North Bethesda, MD 20852

Re: Request for Extension of Time to Construct  
Digital Facilities  
WFXB-DT, Myrtle Beach, SC  
File No. BEPCDT-20020220ABZ  
Facility ID No. 9054

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of GE Media, Inc. (GE), licensee of WFXB(TV), Myrtle Beach, SC. GE certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, GE states that it is unable to fund build-out of digital facilities from existing cash flow, and that restrictions from its lender prohibits borrowing at this time.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that GE provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether GE's specific financial condition warrants an extension, we request the income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate GE's financial condition over an economically significant period of time.<sup>4</sup> We request that GE provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when GE's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: GE Media, Inc.  
c/o Greg Everett, President  
3364 Huger Street  
Myrtle Beach, SC 29577

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Quorum of Fort Wayne License, LLC  
c/o Elizabeth Hammond  
Drinker Biddles & Reath LLP  
1500 K Street, NW  
Suite 1100  
Washington, DC 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities  
WFFT-DT, Fort Wayne, Indiana  
File No. BEPCDT-20020301AGT  
Facility ID No. 25040

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of the Quorum of Fort Wayne License, LLC (Quorum Fort Wayne), licensee of WFFT-TV, Fort Wayne, Indiana. Quorum Fort Wayne certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Quorum Fort Wayne's specific financial condition warrants an extension, we request the relevant audited income statements(s) that applicants are required to keep available, as set forth in the instructions to the FCC Form 337, or other probative evidence of Quorum Fort Wayne's specific financial condition. The income statement(s) should be specific to Quorum Fort Wayne, with particular reference to operations on WFFT-TV. Quorum Fort Wayne's showing should cover an economically significant period of time.<sup>4</sup> We also request documentary evidence of Quorum Fort Wayne's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Quorum of Fort Wayne License, LLC  
c/o David Pulido, Executive Vice President  
10 New England Business Center, Suite 100  
Andover, MA 02180

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

Grant Media Inc.  
c/o Kenneth E. Satten, Esq.  
Wilkinson Barker Knauer, LLP  
2300 N Stree, NW  
Suite 700  
Washington, D.C. 20037

Re: Request for Extension of Time to Construct  
Digital Facilities  
WEUX-DT, Chippewa Falls, Wisconsin  
File No. BEPCDT-20020304ADL  
Facility ID No. 2709

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Grant Media, Inc. (Grant), licensee of WEUX(TV), Chippewa Falls, Wisconsin. Grant certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Grant's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Grant's financial condition, with specific reference to the operations of WEUX(TV), over an economically significant period of time.<sup>4</sup> We also request a specific showing regarding Grant's attempts to construct, with particular reference to acquiring financing from lenders for build-out of DTV facilities. This showing should be accompanied by an affidavit from the relevant financial institution. Finally, we request a detailed estimate of when Grant's financial condition would permit purchase of the necessary equipment and completion of construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Grant Media, Inc.  
c/o Benjamin Klein, Assistant Secretary  
915 Middle River Drive  
Suite 409  
Fort Lauderdale, FL 33304

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Waitt License Company of Alabama, L.L.C.  
c/o Lawrence Bernstein  
Law Offices of Lawrence Bernstein  
Suite 700  
1818 N Street, N.W.  
Washington, D.C. 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
WDFX-DT, Ozark, Alabama  
File No. BEPCDT-20020220ABT  
Facility ID No. 32851

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Waitt License Company of Alabama, L.L.C. (Waitt Alabama), licensee of WDFX-TV, Ozark, Alabama. Waitt Alabama is the indirect subsidiary of Waitt Media, Inc. (Waitt Media), which ultimately controls 5 broadcast television licenses. Waitt Alabama certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Specifically, Waitt Alabama states that “[a]t the present, given the station’s difficult financial position and the extremely low level of DTV receiver penetration in the Ozark market, expenditure of the considerable resources required for even low-power digital operations would place WDFX in an even more precarious financial position.” As support for this assertion, Waitt Alabama attaches the audited Consolidated Income Statement of Waitt Media’s five broadcast television stations, and the relevant Income Statement of WDFX-TV.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee’s control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to “consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The showing should reflect a particular station's financial status over an economically significant period of time.<sup>4</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Waitt Alabama provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. We further request that Waitt Alabama provide a specific showing regarding its attempts to acquire financing from its lenders for build-out of DTV facilities. This may include documentary proof of its inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request that Waitt Alabama provide a reasonable estimate of when its financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within thirty (30) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Services Division  
Mass Media Bureau

cc: Waitt License Company of Alabama, L.L.C.  
c/o Michael J. Delich, President  
1125 South 103<sup>rd</sup> Street  
Suite 200  
Omaha, NE 68124

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Benedek License Corporation  
c/o Jennifer A. Johnson, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2401

Re: Request for Extension of Time to Construct  
Digital Facilities  
WYTV-DT, Youngstown, OH  
File No. BEPCDT-20020228ABW  
Facility ID No. 4693

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of licensee of Benedek License Corporation (BLC), licensee of WYTV(TV), Youngstown, OH, and wholly owned subsidiary of Benedek Broadcasting Corporation (BBC). BLC, licensee of 27 stations throughout the U.S., states that it plans to initiate DTV service on WYTV(TV) using a phase-in approach, in light of the financial and other constraints that BLC faces. It expects, however, to have construction completed on WYTV(TV)'s digital facilities by July 30, 2002.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether BLC's specific financial condition warrants an extension, we request the relevant audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate BLC's financial condition, with particular reference to the operations on WYTV(TV), over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLC's inability to acquire financing, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benedek License Corporation  
c/o Keith L. Bland, Senior Vice President  
2895 Greenspoint Parkway  
Suite 250  
Hoffman Estates, IL 60195

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

California Broadcasting, Inc.  
c/o Arthur B. Goodkind, Esquire  
Holland & Knight LLP  
2099 Pennsylvania Avenue, N.W., Suite 100  
Washington, D.C. 20036-6801

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KAEF-DT, Arcata, California  
Facility ID No. 8263  
FCC File No. BEPCDT-20020215ABP

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities on station KAEF-DT, Arcata, California. In its FCC Form 337, California Broadcasting, Inc. ("CBI") asserts that it has been unable to construct facilities for legal reasons. Specifically, CBI states that it has been unable as yet to reach an agreement with its landlord to locate KAEF-DT on the same tower as its analog station. CBI states that it is looking into other possible tower locations for KAEF-DT. Once a tower site is secured, CBI indicates that it will determine what equipment is necessary and place orders accordingly.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that CBI's extension request showing is incomplete and request additional information at this time. Specifically, we request that CBI provide us with specific information regarding the nature of its tower lease negotiations, including when said negotiations took place, the entities involved in such negotiations, and what issues have prevented an agreement from being reached. We also request specific information concerning the status of CBI's "investigation" into other tower locations, including the names of any parties contacted by CBI, any quotes given by such parties, and any studies which indicate the viability of alternative sites. In addition, we request a specific plan outlining how CBI will use the extension period to further the construction of station KAEF-DT. We believe that this information will help us to determine

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

whether grant of an extension will act to ensure that station KAEF-DT is constructed in a timely manner.

Please file the requested information in an amendment to CBI's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Services Division  
Mass Media Bureau

cc: Marshall R. Noecker



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

KBSI Licensee, L.P.  
c/o Kathryn R. Schmeltzer, Esquire  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037-1128

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KBSI-DT, Cape Girardeau, Missouri  
Facility ID No. 19593  
FCC File No. BEPCDT-20020301AHU

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities on station KBSI-DT, Cape Girardeau, Missouri. In its FCC Form 337, KBSI Licensee, L.P. ("KBSI Licensee") asserts that it has been unable to construct facilities for technical reasons. In support of its extension request, KBSI Licensee merely states "a tower study is underway."

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide **specific reasons** in support of an extension, as well as **the specific steps it has taken to mitigate any problems**.

We find that KBSI Licensee's extension request is wholly bereft of any showing whatsoever and does not justify an extension in this case. Accordingly, you will be afforded fifteen (15) days from the date of this letter to amend your previously filed FCC Form 337 and provide the requisite information as set forth above.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: David B. Amy

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

Southwestern Broadcasting Corporation  
c/o Jason S. Roberts, Esquire  
Irwin, Campbell & Tannewald, P.C.  
1730 Rhode Island Avenue, N.W., Suite 200  
Washington, D.C. 20036-3101

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WVEO-DT, Aguadilla, Puerto Rico  
Facility ID No. 61573  
FCC File No. BPCDT-20000501AFS

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On August 24, 2001, Southwestern Broadcasting Corporation ("SBC") received a permit to construct digital facilities on station WVEO-DT, Aguadilla, Puerto Rico. According to the FCC Form 337 filed by SBC, it has been unable to construct facilities for technical and legal reasons. Specifically, SBC asserts that it has had difficulty securing a suitable transmitter site, obtaining financing, ordering equipment, and constructing a minimal facility. SBC also states that an application to assign the license for station WVEO(TV) was granted on July 23, 2001, but has not yet been consummated (File No. BALCT-20010509AAO). SBC states that it "did not expect to be the party constructing the WVEO digital facilities." Nevertheless, SBC asserts that it is committed to constructing station WVEO-DT and requests an extension of time to do so.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that SBC's extension request showing is incomplete and request additional information at this time. Specifically, we request that SBC provide us with information as to the reasons why consummation of WVEO(TV)'s sale has been delayed and whether that transaction will be completed. We also seek information regarding: (1) the reasons why SBC has had "difficulties" and been unable to construct; (2) the steps it has taken to mitigate its problems; (3) a specific plan outlining how it will use the extension time to further the construction of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

WVEO-DT; and (4) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WVEO-DT is constructed in a timely manner.

Please file the requested information in an amendment to SBC's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Services Division  
Mass Media Bureau

cc: Pedro-Roman Collazo



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

Sullivan Broadcasting Company III, Inc.  
c/o Elizabeth Hammond, Esquire  
Drinker, Biddle & Reath, LLP  
1500 K Street, Suite 1100  
Washington, D.C. 20005-1209

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WVAH-DT, Charleston, West Virginia  
Facility ID No. 417  
FCC File No. BEPCDT-20020301AGQ

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities on station WVAH-DT, Charleston, West Virginia. In its FCC Form 337, Sullivan Broadcasting Company III, Inc. ("Sullivan") asserts that it has been unable to construct facilities for technical reasons. Specifically, Sullivan states that it must modify its DTV antenna because WVAH(TV)'s current tower is overloaded with equipment. Sullivan indicates that it is working with a vendor to design an antenna that will have a lower windload. Sullivan states that it is planning on conducting a structure study to ensure that its tower will hold the newly designed antenna. Sullivan requests an extension in order to complete its antenna design, structure analysis and installation of DTV equipment.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Sullivan's extension request showing is incomplete and request additional information at this time. Specifically, we request that Sullivan provide us with information regarding what work has been done to create a new antenna design (*i.e.*, planning stage, prototype stage, or building stage), and the date upon which the new antenna design will be complete. In addition, we request that Sullivan provide us with a timeline as to when its antenna structure study will be finished. We also request a specific plan outlining how Sullivan will use the extension period to further the construction of station WVAH-DT and the date upon which Sullivan anticipates that construction will be complete. We believe that this information will

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

help us to determine whether grant of an extension will act to ensure that station WVAH-DT is constructed in a timely manner.

Please file the requested information in an amendment to Sullivan's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Services Division  
Mass Media Bureau

cc: David Pulido



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

WTOV-TV Holdings, Inc.  
c/o Jeffrey J. Gee, Esquire  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Ave., NW, Suite 800  
Washington, D.C. 20036

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WTOV-DT, Steubenville, Ohio  
Facility ID No. 74122  
FCC File No. BEPCDT-20020301AEF

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities on station WTOV-DT, Steubenville, Ohio. In its FCC Form 337, WTOV-TV Holdings, Inc. ("WTOV-TV Holdings") asserts that it has been unable to construct facilities for technical reasons. In support of its extension request, WTOV-TV Holdings states that its existing tower structure will not support a DTV antenna and it is in the process of locating a new tower site. WTOV Holdings also assert that its current main studio is not large enough to accommodate both analog and digital transmitter facilities and that a new building will be required.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WTOV-TV Holdings' extension request showing is incomplete and request additional information at this time. Specifically, we request that WTOV-TV Holdings provide us with specific information as to what efforts it has made in its "active pursuit" of locating a new tower site (*i.e.*, a list of locations examined and the reasons for rejection). In addition, please indicate the date upon which identification of a new tower site will be complete. We also request that you provide us with information regarding what sites have been explored for a new transmitter building and any justification for rejection of such sites. Moreover, we request that you provide us with a specific plan as to how WTOV-TV Holdings will use the extension time to further the construction of WTOV-DT and the date upon which WTOV-TV Holdings anticipates

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

that construction will be complete. This information will help us to determine whether grant of an extension will act to ensure that station WTOV-DT is constructed in a timely manner.

Please file the requested information in an amendment to WTOV Holdings' previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Richard F. Klumpp



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

International Broadcasting Corporation  
c/o Jason S. Roberts, Esquire  
Irwin, Campbell & Tannewald, P.C.  
1730 Rhode Island Avenue, N.W., Suite 200  
Washington, D.C. 20036-3101

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WTCV-DT, San Juan, Puerto Rico  
Facility ID No. 29854  
FCC File No. BPCDT-2000501AFC

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On July 16, 2001, International Broadcasting Corporation ("IBC") received a permit to construct digital facilities on station WTCV-DT, San Juan, Puerto Rico. According to the FCC Form 337 filed by IBC, it has been unable to construct facilities for technical and legal reasons. Specifically, IBC asserts that it has had difficulty securing a suitable transmitter site, obtaining financing, ordering equipment, and constructing a minimal facility. IBC also states that an application to assign the license for station WTCV(TV) was granted on July 23, 2001, but has not yet been consummated (File No. BALCT-20010509AAQ). IBC states that it "did not expect to be the party constructing the WTCV digital facilities." Nevertheless, IBC asserts that it is committed to constructing station WTCV-DT and requests an extension of time to do so.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that IBC's extension request showing is incomplete and request additional information at this time. Specifically, we request that IBC provide us with information as to the reasons why consummation of WTCV(TV)'s sale has been delayed and whether that transaction will be completed. We also seek information regarding: (1) the reasons why IBC has had "difficulties" and been unable to construct; (2) the steps it has taken to mitigate its problems; (3) a specific plan outlining how it will use the extension time to further the construction of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

WTCV-DT; and (4) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WTCV-DT is constructed in a timely manner.

Please file the requested information in an amendment to IBC's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Services Division  
Mass Media Bureau

cc: Pedro-Roman Collazo



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

WDKY Licensee, L.P.  
c/o Kathryn R. Schmeltzer, Esquire  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037-1128

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WDKY-DT, Danville, Kentucky  
Facility ID No. 64017  
FCC File No. BEPCDT-20020301AJW

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities on station WDKY-DT, Danville, KY. In its FCC Form 337, WDKY Licensee, L.P. ("WDKY Licensee") asserts that it has been unable to construct facilities for technical reasons. In support of its extension request, WDKY Licensee states that it has not yet located a suitable site for WDKY-DT and is not considering using its existing NTSC tower. WDKY Licensee asserts that a tower study is scheduled to begin in late March and once the feasibility of utilizing the NTSC tower is determined, equipment will be ordered.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WDKY Licensee's extension request showing is incomplete and request additional information at this time. Specifically, we seek information regarding: (1) the reasons why WDKY Licensee has been unable to determine a tower site (*i.e.*, the exact nature of the work done with American Tower Company, including a list of the sites considered and rejected); (2) the date upon which WDKY Licensee's tower study will be finished; (3) a specific plan outlining how WDKY Licensee will use the extension time to further the construction of WDKY-DT; and (4) the date upon which WDKY Licensee anticipates that construction will be complete. This information will help us to determine whether grant of an extension will act to ensure that station WDKY-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to WDKY Licensee's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: David B. Amy



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Anderson (WFBC-TV) Licensee, Inc.  
c/o Clifford M Harrington, Esquire  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Ave., NW  
Suite 800  
Washington, D.C. 20036

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WBSC-DT, Anderson, South Carolina  
Facility ID No. 56548  
FCC File No. BEPCDT-20020301ADB

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities on station WBSC-DT, Anderson, South Carolina. In its FCC Form 337, Anderson (WFBC-TV) Licensee, Inc. ("Anderson") asserts that it has been unable to construct facilities for technical reasons. Anderson states that its existing tower structure cannot support a DTV antenna. Anderson also indicates that it will study in the future whether a side-mounted DTV antenna system could work on its existing tower.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Anderson's extension request showing is incomplete and request additional information at this time. Specifically, we request that Anderson provide us with information regarding what work has been done to create a new antenna design and the date upon which the new antenna design will be complete. In addition, we request that Anderson provide us with a timeline as to when its tower study will be finished. We also request a specific plan outlining how Anderson will use the extension period to further the construction of station WBSC-DT and the date upon which Anderson anticipates that construction will be complete.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to Anderson's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Robert L. Simmons,  
President  
Anderson (WFBC-TV) Licensee, Inc.  
2400 W. 41<sup>st</sup> Street  
Baltimore, MD 21211



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

WAXN-TV Holdings, Inc.  
c/o Jeffrey J. Gee, Esquire  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Ave., NW, Suite 800  
Washington, D.C. 20036

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WAXN-DT, Kannapolis, North Carolina  
Facility ID No. 12793  
FCC File No. BEPCDT-20020301AEC

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities on station WAXN-DT, Kannapolis, NC. In its FCC Form 337, WSOC-TV Holdings, Inc. ("WSOC-TV Holdings") asserts that it has been unable to construct facilities for technical reasons. WSOC-TV Holdings gives no reasons for its extension request and merely states that its DTV facilities are not complete at this time. Although WSOC-TV Holdings anticipates that construction of its facilities may be completed prior to May 1, 2002, it nevertheless requests an extension "out of an abundance of caution."

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WSOC-TV Holdings' extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, WSOC-TV Holdings has failed to justify an extension in this case. However, WSOC-TV Holdings will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of WAXN-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Richard F. Klumpp

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Four Seasons Peoria, LLC  
c/o Gregory L. Masters Esquire  
Wiley Rein & Fielding LLP  
1776 K Street, NW  
Washington, DC 20006

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WAOE-DT, Peoria, Illinois  
Facility ID No. 52280  
FCC File No. BEPCDT-20020301ABT

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities on station WAOE-DT, Peoria, Illinois. In its FCC Form 337, Four Seasons Peoria, LLC ("Four Seasons") asserts that it has been unable to construct facilities for technical reasons. Four Seasons states that its existing tower structure cannot support digital operations and that other towers in the vicinity are either over-stressed or in poor condition. Four Seasons also indicates that although Richland Tower and SpectraSite Broadcasting have proposed to build towers in the area, their plans are on hold until they can find tenants to justify their expenses. Four Seasons states that if either Richland or SpectraSite did build a tower in the next few months, it would be able to construct WAOE-DT within one year.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Four Seasons' extension request showing is incomplete and request additional information at this time. Although Four Seasons indicates on its FCC Form 337 that it is in discussions with entities regarding the possibility of finding a tower site, there is no indication as to what Four Seasons has specifically done to further this process. We request information regarding what steps Four Seasons has taken to build its own tower, as opposed to leasing space on another tower in the area. In addition, we request information regarding what specific contingency plans Four Seasons has made should Richland or SpectraSite choose not to build their proposed towers. We also request a specific plan outlining how Four Seasons will use

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

the extension period to further the construction of station WAOE-DT and the specific date upon which Four Seasons anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WAOE-DT is constructed in a timely manner.

Please file the requested information in an amendment to Four Seasons' previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Lawrence Rogow  
Four Seasons Peoria, LLC  
5670 Wilshire Boulevard, Suite 1300  
Los Angeles, CA 21211



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

LibCo, Inc.  
c/o Scott S. Patrick, Esquire  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Ave., NW  
Suite 800  
Washington, D.C. 20036

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KPLC-DT, Lake Charles, Louisiana  
Facility ID No. 13994  
FCC File No. BEPCDT-20020301ADG

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities on station KPLC-DT, Lake Charles, Louisiana. In its FCC Form 337, LibCo, Inc. ("LibCo") asserts that it has been unable to construct facilities for technical and legal reasons. LibCo states that it has commissioned a study of its existing tower to determine if it could be modified to support digital operations. LibCo indicates that if it determines that its existing tower cannot support digital operations, a new tower will be ordered.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that LibCo's extension request showing is incomplete and request additional information at this time. We request that LibCo provide us with a specific timeline as to what steps it will be taking to ensure that KPLC-DT is constructed. We seek information regarding: (1) the equipment that needs to be ordered (for reinforcement of its existing tower or for a new tower), the date such equipment will be ordered, as well as the date such equipment will be delivered; (2) the reasons why the ordering of equipment has been delayed; (3) the steps LibCo has taken to mitigate its problems; (4) a specific plan outlining how LibCo will use the extension time to further the construction of KPLC-DT; and (5) the date upon which LibCo anticipates that construction will be complete. This information will help us to determine whether grant of an extension will act to ensure that station KPLC-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to LibCo's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: LibCo, Inc.  
639 Isbell Road  
Suite 390  
Reno, Nevada 89509



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

KOKH Licensee, L.P.  
c/o Kathryn R. Schmeltzer, Esquire  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037-1128

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KOKH-DT, Oklahoma City, Oklahoma  
Facility ID No. 35388  
FCC File No. BEPCDT-20020301AKG

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities on station KOKH-DT, Oklahoma City, Oklahoma. In its FCC Form 337, KOKH Licensee, L.P. ("KOKH Licensee") asserts that it has been unable to construct facilities for technical reasons. Specifically, KOKH Licensee states that its current tower is unable to support a DTV antenna, and that it is working with station KOCB(TV) to study the feasibility of using the KOKH tower. KOKH Licensee asserts once the tower study is completed, it will then ascertain whether the KOKH tower can support its DTV system.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that KOKH Licensee's extension request showing is incomplete and request additional information at this time. Specifically, we seek information regarding: (1) the reasons why KOKH Licensee has been unable to determine a tower site (*i.e.*, an explanation as to why tower studies have not been conducted prior to May 1, 2002); (2) the date upon which the joint tower study will be finished; (3) a specific plan outlining how KOKH Licensee will use the extension time to further the construction of KOKH-DT; and (4) the date upon which KOKH Licensee anticipates that construction will be complete. This information will help us to determine whether grant of an extension will act to ensure that station KOKH-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to KOKH Licensee's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: David B. Amy



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

KOCB Licensee, L.P.  
c/o Kathryn R. Schmeltzer, Esquire  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037-1128

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KOCB-DT, Oklahoma City, Oklahoma  
Facility ID No. 50710  
FCC File No. BEPCDT-20020301AKH

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities on station KOCB-DT, Oklahoma City, Oklahoma. In its FCC Form 337, KOCB Licensee, L.P. ("KOCB Licensee") asserts that it has been unable to construct facilities for technical reasons. Specifically, KOCB Licensee states that its current tower is unable to support a DTV antenna, and that it is working with station KOKH(TV) to study the feasibility of using the KOKH tower. KOCB Licensee asserts once the tower study is completed, it will then ascertain whether the KOKH tower can support its DTV system.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that KOCB Licensee's extension request showing is incomplete and request additional information at this time. Specifically, we seek information regarding: (1) the reasons why KOCB Licensee has been unable to determine a tower site (*i.e.*, an explanation as to why tower studies have not been conducted prior to May 1, 2002); (2) the date upon which the joint tower study will be finished; (3) a specific plan outlining how KOCB Licensee will use the extension time to further the construction of KOCB-DT; and (4) the date upon which KOCB Licensee anticipates that construction will be complete. This information will help us to determine whether grant of an extension will act to ensure that station KOCB-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to KOCB Licensee's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: David B. Amy



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

National Minority T.V., Inc.  
c/o Kathryn R. Schmeltzer, Esquire  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037-1128

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KNMT-DT, Portland, Oregon  
Facility ID No. 47704  
FCC File No. BEPCDT-20020225ACK

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities on station KNMT-DT, Portland, Oregon. In its FCC Form 337, National Minority T.V., Inc. ("NMTV") asserts that it has been unable to construct facilities for technical reasons. NMTV states that it is in the process of negotiating a definitive tower agreement with the tower owner. NMTV further states that it is obtaining prices for equipment and will place orders for equipment in the near future.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that NMTV's extension request showing is incomplete and request additional information at this time. We seek information regarding: (1) the reasons why NMTV has been unable to reach a definitive tower agreement; (2) the remaining equipment that needs to be ordered, the date such equipment will be ordered, as well as the date such equipment will be delivered; (3) the reasons why the ordering of equipment has been delayed; (4) the steps NMTV has taken to mitigate its problems; (5) a specific plan outlining how NMTV will use the extension time to further the construction of KNMT-DT; and (6) the date upon which NMTV anticipates that construction will be complete. This information will help us to determine whether grant of an extension will act to ensure that station KNMT-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to NMTV's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: National Minority T.V., Inc.  
14252 Culver Drive A, PMB 831  
Irvine, CA 92604  
Attn: Ms. Jane Duff, President



Federal Communications Commission  
Washington, D.C. 20554

March 27, 2002

New York Times Management Services  
c/o Arthur B. Goodkind, Esquire  
Holland & Knight LLP  
2099 Pennsylvania Avenue, N.W., Suite 100  
Washington, D.C. 20036-6801

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KFSM-DT, Fort Smith, Arkansas  
Facility ID No. 66469  
FCC File No. BEPCDT-20020228AEQ

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities on station KFSM-DT, Fort Smith, Arkansas. In its FCC Form 337, New York Times Management Services ("NYTMS") asserts that it has been unable to construct facilities for technical and legal reasons. Specifically, NYTMS states that it has been unable to construct because "unresolved business issues" exist with respect to its proposed tower lease agreement with American Tower Company.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that NYTMS's extension request showing is incomplete and request additional information at this time. Specifically, we request that NYTMS provide us with specific information regarding the nature of its tower lease negotiations and what "unresolved business issues" have prevented an agreement from being reached. We also request a specific plan outlining how NYTMS will use the extension period to further the construction of station KFSM-DT and the date upon which NYTMS anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station KFSM-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to NYTMS's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Services Division  
Mass Media Bureau

cc: Steven Ainsley



Federal Communications Commission  
Washington, D.C. 20554

March 22, 2002

International Broadcasting Corporation  
c/o Jason S. Roberts, Esquire  
Irwin, Campbell & Tannewald, P.C.  
1730 Rhode Island Avenue, N.W., Suite 200  
Washington, D.C. 20036-3101

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WVOZ-DT, Ponce, Puerto Rico  
Facility ID No. 29000  
FCC File No. BPCDT-2000501AFT

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On July 16, 2001, International Broadcasting Corporation ("IBC") received a permit to construct digital facilities on station WVOZ-DT, Ponce, Puerto Rico. According to the FCC Form 337 filed by IBC, it has been unable to construct facilities for technical and legal reasons. Specifically, IBC asserts that it has had difficulty securing a suitable transmitter site, obtaining financing, ordering equipment, and constructing a minimal facility. IBC also states that an application to assign the license for station WVOZ(TV) was granted on July 23, 2001, but has not yet been consummated (File No. BALCT-20010509AAR). IBC states that it "did not expect to be the party constructing the WVOZ digital facilities." Nevertheless, IBC asserts that it is committed to constructing station WVOZ-DT and requests an extension of time to do so.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that IBC's extension request showing is incomplete and request additional information at this time. Specifically, we request that IBC provide us with information as to the reasons why consummation of WVOZ(TV)'s sale has been delayed and whether that transaction will be completed. We also seek information regarding: (1) the reasons why IBC has had "difficulties" and been unable to construct; (2) the steps it has taken to mitigate its problems; (3) a specific plan outlining how it will use the extension time to further the construction of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

WVOZ-DT; and (4) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WVOZ-DT is constructed in a timely manner.

Please file the requested information in an amendment to IBC's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Services Division  
Mass Media Bureau

cc: Pedro-Roman Collazo



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting Network  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of KAAH-DT,  
Honolulu, Hawaii  
Facility ID No. 3246  
File No. BEPCDT-20020304AGK

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KAAH-DT, Honolulu, Hawaii.

On September 21, 2001, Trinity Broadcasting Network (Trinity) received a permit to construct digital facilities on station KAAH-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve

the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of KAAH-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting Network  
P. O. Box C-11949  
Santa Ana, California 92711

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Quorum of Amarillo License, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities of KAMR-DT,  
Amarillo, Texas; Facility ID No. 8523  
File No. BEPCDT-20020304AHU

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KAMR-DT, Amarillo, Texas.

On January 16, 2001, Quorum of Amarillo License, LLC (Quorum) received a permit to construct digital facilities on station KAMR-DT. According to the FCC Form 337 filed by Quorum, it has been unable to construct DTV facilities for financial reasons, and Quorum submits proprietary financial information pursuant to Section 0.459 of the Commission's rules, in support of its extension request. Quorum concludes that all of the company's operating revenue and income is projected to be used for current operating needs, and requests an extension of time until May 1, 2003 to construct KAMR's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Quorum describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. We also request a detailed estimate of when Quorum's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David Pulido  
Quorum of Amarillo License, LLC  
10 New England Business Center  
Suite 100  
Andover, Massachusetts 02180

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Reiten Television, Inc.  
c/o Brendan Holland, Esq.  
ShawPittman, LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

Re: Request for Extension of Time to  
Construct Digital Facilities of KXMC-DT,  
Minot, North Dakota  
Facility ID No. 55685  
File No. BEPCDT-20020226ADQ

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KXMC-DT, Minot, North Dakota.

On February 18, 2000, Reiten Television, Inc. (Reiten) received a permit to construct digital facilities on station KXMC-DT. According to the FCC Form 337 filed by Reiten, it has been unable to construct DTV facilities for financial reasons. In support, Reiten submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Reiten provide: (1) documentary evidence of Reiten's previous inability to raise capital for constructing its DTV facilities, such as affidavits from lenders or other financial institutions; (2) a detailed estimate of when the company's financial condition would permit purchase and installation of the necessary equipment; and (3) a specific plan outlining how Reiten will use the extension of time to further the construction of KXMC-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David M. Reiten  
Reiten Television, Inc.  
P. O. Box 1686  
Minot, North Dakota 58702

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Reiten Television, Inc.  
c/o Brendan Holland, Esq.  
ShawPittman, LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

Re: Request for Extension of Time to  
Construct Digital Facilities of KXMA-DT,  
Dickinson, North Dakota  
Facility ID No. 55684  
File No. BEPCDT-20020226ADR

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KXMA-DT, Dickinson, North Dakota.

On April 18, 2000, Reiten Television, Inc. (Reiten) received a permit to construct digital facilities on station KXMA-DT. According to the FCC Form 337 filed by Reiten, it has been unable to construct DTV facilities for financial reasons. In support, Reiten submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Reiten provide: (1) documentary evidence of Reiten's previous inability to raise capital for constructing its DTV facilities, such as affidavits from lenders or other financial institutions; (2) a detailed estimate of when the company's financial condition would permit purchase and installation of the necessary equipment; and (3) a specific plan outlining how Reiten will use the extension of time to further the construction of KXMA-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David M. Reiten  
Reiten Television, Inc.  
P. O. Box 1686  
Minot, North Dakota 58702

---

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Catamount Broadcasting of Fargo LLC  
c/o Joseph M. Di Scipio, Esq.  
Cohn & Marks LLP  
1920 N Street, N.W.  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to Construct  
Digital Facilities of KJXB-DT, Valley City,  
ND; Facility ID No. 49134  
File No. BEPCDT-20020301AIY

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KJXB-DT, Valley City, North Dakota.

On February 12, 2001, Catamount Broadcasting of Fargo LLC (Catamount) received a permit to construct digital facilities on station KJXB-DT. According to the FCC Form 337 filed by Catamount, it has been unable to construct DTV facilities for financial reasons, and Catamount submits some proprietary financial information pursuant to Section 0.459 of the Commission's rules, in support of its extension request. Catamount concludes that it is "uncertain when and as to what degree the financial condition of the Company will improve to the extent that the DTV build-out requirements can be met consistent with the overhanging financial obligations of the company, existing loan agreements, and the need to maintain operating capital."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Catamount provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding, including a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Catamount's specific financial condition warrants an extension, we further request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337, which demonstrate Catamount's financial condition over an economically significant period of time.<sup>4</sup> We also require that Catamount describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. Finally, we request a detailed estimate of when Catamount's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Raymond Johns  
Catamount Broadcasting of Chico-Redding, Inc.  
71 East Avenue  
Norwalk, Connecticut 06851

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

ComCorp of Texas License Corp.  
c/o Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 North 17th Street  
11th Floor  
Arlington, Virginia 22209-3801

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of KWKT-DT,  
Waco, Texas  
Facility ID No. 12522  
File No. BEPCDT-20020228AGF

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KWKT-DT, Waco, Texas.

On April 24, 2001, ComCorp of Texas License Corp. (ComCorp) received a permit to construct digital facilities on station KWKT-DT. According to the FCC Form 337 filed by ComCorp, it has been unable to construct DTV facilities for technical and financial reasons. In support, ComCorp states that its parent company has sustained substantial financial losses for the years 1998-2001, and has been in violation of loan covenants with a number of large institutional lenders. ComCorp further states that after auditing its parent's financial statements for 1998-2000, PriceWaterhouseCoopers issued a going concern opinion due to the company's inability to meet its financial covenants, and that loan covenants preclude its parent company from making capital expenditures in excess of a set cap each year, or from borrowing additional funds, necessary for DTV construction.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that ComCorp provide: (1) audited financial statements for its parent corporation from 1999-2001; (2) the going concern opinion issued by PriceWaterhouseCoopers; (3) any attempts to renegotiate the company's credit lines; (4) a detailed estimate of when ComCorp's financial condition would permit purchase of the necessary equipment; and (5) an explanation of its earlier efforts to meet the May 1, 2002 DTV construction deadline and a specific plan outlining how ComCorp will use the extension of time to further the construction of KWKT-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: D. Wayne Elmore  
ComCorp of Texas License Corp.  
700 St. Johns Street  
Suite 300  
Lafayette, Louisiana 70501

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

ComCorp of Texas License Corp.  
c/o Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 North 17th Street  
11th Floor  
Arlington, Virginia 22209-3801

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of KVEO-DT,  
Brownsville, Texas  
Facility ID No. 12523  
File No. BEPCDT-20020228AGG

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KVEO-DT, Brownsville, Texas.

On September 28, 2001, ComCorp of Texas License Corp. (ComCorp) received a permit to construct digital facilities on station KVEO-DT. According to the FCC Form 337 filed by ComCorp, it has been unable to construct DTV facilities for technical and financial reasons. In support, ComCorp states that its parent company has sustained substantial financial losses for the years 1998-2001, and has been in violation of loan covenants with a number of large institutional lenders. ComCorp further states that after auditing its parent's financial statements for 1998-2000, PriceWaterhouseCoopers issued a going concern opinion due to the company's inability to meet its financial covenants, and that loan covenants preclude its parent company from making capital expenditures in excess of a set cap each year, or from borrowing additional funds, necessary for DTV construction.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that ComCorp provide: (1) audited financial statements for its parent corporation from 1999-2001; (2) the going concern opinion issued by PriceWaterhouseCoopers; (3) information regarding any attempts to renegotiate the company's credit lines; (4) a detailed estimate of when ComCorp's financial condition would permit purchase of the necessary equipment; and (5) an explanation of its earlier efforts to meet the May 1, 2002 DTV construction deadline and a specific plan outlining how ComCorp will use the extension of time to further the construction of KVEO-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: D. Wayne Elmore  
ComCorp of Texas License Corp.  
700 St. Johns Street  
Suite 300  
Lafayette, Louisiana 70501

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Independent Communications, Inc.  
c/o Dennis F. Begley, Esq.  
Reddy, Begley & McCormick, LLP  
2175 K Street, N.W.  
Suite 350  
Washington, D.C. 20037-1845

Re: Request for Extension of Time to  
Construct Digital Facilities of KTTW-DT,  
Sioux Falls, South Dakota  
Facility ID No. 28521  
File No. BEPCDT-20020301AIF

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KTTW-DT, Sioux Falls, South Dakota.

On February 5, 2001, Independent Communications, Inc. (Independent) received a permit to construct digital facilities on station KTTW-DT. According to the FCC Form 337 filed by Independent, it has been unable to construct DTV facilities for financial reasons. In support, Independent states that it has lost considerable sums of money every year since it began operations in 1987, and that its shareholders have provided the bulk of the funding for station operations. Independent further states that its shareholders are unable to extend any further loans, given the fact that Independent has never been able to repay any of its principal debt, and a financial institution and an equipment supplier have both denied Independent's requests for financing to cover the cost of constructing DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Independent provide: (1) audited financial statements which demonstrate Independent's financial condition over an economically significant period of time; (2) documentary evidence of Independent's previous inability to raise capital for constructing its DTV facilities, such as affidavits from lenders or other financial institutions; (3) a detailed estimate of when the company's financial condition would permit purchase and installation of the necessary equipment; and (4) a specific plan outlining how Independent will use the extension of time to further the construction of KTTW-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Ed Hoffman  
Independent Communications, Inc.  
2817 West 11<sup>th</sup> Street  
Sioux Falls, South Dakota 57104

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Independent Communications, Inc.  
c/o Dennis F. Begley, Esq.  
Reddy, Begley & McCormick, LLP  
2175 K Street, N.W.  
Suite 350  
Washington, D.C. 20037-1845

Re: Request for Extension of Time to  
Construct Digital Facilities of KTTM-DT,  
Huron, South Dakota  
Facility ID No. 28501  
File No. BEPCDT-20020301AIB

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KTTM-DT, Huron, South Dakota.

On February 22, 2001, Independent Communications, Inc. (Independent) received a permit to construct digital facilities on station KTTM-DT. According to the FCC Form 337 filed by Independent, it has been unable to construct DTV facilities for financial reasons. In support, Independent submits proprietary financial information, pursuant to Section 0.450 of the Commission's rules.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Independent provide: (1) audited financial statements which demonstrate Independent's financial condition over an economically significant period of time; (2) documentary evidence of Independent's previous inability to raise capital for constructing its DTV facilities, such as affidavits from lenders or other financial institutions; (3) a detailed estimate of when the company's financial condition would permit purchase and installation of the necessary equipment; and (4) a specific plan outlining how Independent will use the extension of time to further the construction of KTTM-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Ed Hoffman  
Independent Communications, Inc.  
2817 West 11<sup>th</sup> Street  
Sioux Falls, South Dakota 57104

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

ComCorp of El Paso License Corp.  
c/o Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 North 17th Street  
11th Floor  
Arlington, Virginia 22209-3801

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of KTSM-DT,  
El Paso, Texas  
Facility ID No. 67760  
File No. BEPCDT-20020228AGH

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KTSM-DT, El Paso, Texas.

On September 28, 2001, ComCorp of El Paso License Corp. (ComCorp) received a permit to construct digital facilities on station KTSM-DT. According to the FCC Form 337 filed by ComCorp, it has been unable to construct DTV facilities for technical and financial reasons. In support, ComCorp states that its parent company has sustained substantial financial losses for the years 1998-2001, and has been in violation of loan covenants with a number of large institutional lenders. ComCorp further states that after auditing its parent's financial statements for 1998-2000, PriceWaterhouseCoopers issued a going concern opinion due to the company's inability to meet its financial covenants, and that loan covenants preclude its parent company from making capital expenditures in excess of a set cap each year, or from borrowing additional funds, necessary for DTV construction.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that ComCorp provide: (1) audited financial statements for its parent corporation from 1999-2001; (2) the going concern opinion issued by PriceWaterhouseCoopers; (3) information regarding any attempts to renegotiate the company's credit lines; (4) a detailed estimate of when ComCorp's financial condition would permit purchase of the necessary equipment; and (5) an explanation of its earlier efforts to meet the May 1, 2002 DTV construction deadline and a specific plan outlining how ComCorp will use the extension of time to further the construction of KTSM-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: D. Wayne Elmore  
ComCorp of El Paso License Corp.  
700 St. Johns Street  
Suite 300  
Lafayette, Louisiana 70501

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Independent Communications, Inc.  
c/o Dennis F. Begley, Esq.  
Reddy, Begley & McCormick, LLP  
2175 K Street, N.W.  
Suite 350  
Washington, D.C. 20037-1845

Re: Request for Extension of Time to  
Construct Digital Facilities of KTTM-DT,  
Huron, South Dakota  
Facility ID No. 28501  
File No. BEPCDT-20020301AIB

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KTTM-DT, Huron, South Dakota.

On February 22, 2001, Independent Communications, Inc. (Independent) received a permit to construct digital facilities on station KTTM-DT. According to the FCC Form 337 filed by Independent, it has been unable to construct DTV facilities for financial reasons. In support, Independent states that it has lost considerable sums of money every year since it began operations in 1987, and that its shareholders have provided the bulk of the funding for station operations. Independent further states that its shareholders are unable to extend any further loans, given the fact that Independent has never been able to repay any of its principal debt, and a financial institution and an equipment supplier have both denied Independent's requests for financing to cover the cost of constructing DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Independent provide: (1) audited financial statements which demonstrate Independent's financial condition over an economically significant period of time; (2) documentary evidence of Independent's previous inability to raise capital for constructing its DTV facilities, such as affidavits from lenders or other financial institutions; (3) a detailed estimate of when the company's financial condition would permit purchase and installation of the necessary equipment; and (4) a specific plan outlining how Independent will use the extension of time to further the construction of KTTW-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Ed Hoffman  
Independent Communications, Inc.  
2817 West 11<sup>th</sup> Street  
Sioux Falls, South Dakota 57104

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Duhamel Broadcasting Enterprises  
c/o Lauren Lynch Flick, Esq.  
Shaw Pittman  
2300 N Street, N.W.  
Washington, D.C. 20037

Re: Request for Extension of Time to Construct  
Digital Facilities of KSGW-DT, Sheridan,  
Wyoming; Facility ID No. 17680  
File No. BEPCDT-20020304AGO

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KSGW-DT, Sheridan, Wyoming.

On February 22, 2002, Duhamel Broadcasting Enterprises (Duhamel) received a permit to construct digital facilities on station KTGM-DT. According to the FCC Form 337 filed by Duhamel, it has been unable to construct DTV facilities for financial reasons. In support of its extension request, Duhamel states that meeting the minimum build-out requirement would create undue economic hardship, given that Guam is in an economic recession and the station has been operating at a loss for the past three years. Duhamel also states that it has no cash reserves for construction, and that even if it could secure a construction loan, it would not be able to make loan payments.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Duhamel's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337, which demonstrate Duhamel's financial condition over an economically significant period of time.<sup>4</sup> We also request a detailed estimate of when Duhamel's financial condition would permit purchase of the necessary equipment, and a specific plan outlining how Duhamel will use the extension of time to further the construction of KTGM-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David Larson  
Duhamel Broadcasting, Inc.  
692 North Marine Drive  
Tamuning, Guam 96911

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Channel 49 Acquisition Corporation  
c/o Mark J. Prak, Esq.  
Brooks, Pierce, McLendon,  
Humphrey & Leonard, LLP  
Post Office Box 1800  
Raleigh, North Carolina 27602

Re: Request for Extension of Time to  
Construct Digital Facilities of KTEN-DT,  
Ada, Oklahoma  
Facility ID No. 35666  
File No. BEPCDT-20020304AKY

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KTEN-DT, Ada, Oklahoma.

On August 3, 2001, Channel 49 Acquisition Corporation (Channel 49) received a permit to construct digital facilities on station KTEN-DT. According to the FCC Form 337 filed by Channel 49, it has been unable to complete construction of its DTV facilities, but has made substantial progress. Specifically, Channel 49 states that it:

anticipates that it will be on the air with a minimum initial DTV facility by the May 1, 2002 deadline, pending (1) delivery of the DTV equipment, which KTEN-DT has been advised will take approximately 45 to 90 days; (2) tower crew scheduling; and (3) installation of the station's DTV equipment. Following the completion of the above items, and before commencing digital operation, KTEN-DT plans to file a request for special temporary authority to operate with a minimum initial facility as described by the Commission in the *Memorandum Opinion and Order on Reconsideration*.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve

the problem expeditiously.<sup>1</sup> The instructions to FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Channel 49 provide information regarding: (1) the date it ordered its DTV equipment, and the date by which the equipment will be shipped; (2) the date the tower crew is scheduled to work on the tower, and the estimated date of completion; (3) the date by which Channel 49 anticipates construction will be completed; (4) the date by which Channel 49 intends to file for an STA with the Commission.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David Hanna  
Channel 49 Acquisition Corporation

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting of Oklahoma  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of KTBO-DT,  
Oklahoma City, Oklahoma  
Facility ID No. 76999  
File No. BEPCDT-20020304AGU

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KTBO-DT, Oklahoma City, Oklahoma.

On May 7, 2001, Trinity Broadcasting of Oklahoma (Trinity) received a permit to construct digital facilities on station KTBO-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve

the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of KTBO-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Services Division  
Mass Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting of Oklahoma City, Inc.  
3705 N.W. 63<sup>rd</sup> Street  
Oklahoma City, Oklahoma 73116

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting Network  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of KTAJ-DT,  
St. Joseph, Missouri  
Facility ID No. 999  
File No. BEPCDT-20020304ADP

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KTAJ-DT, St. Joseph, Missouri.

On February 8, 2001, Trinity Broadcasting Network (Trinity) received a permit to construct digital facilities on station KTAJ-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve

the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of KTAJ-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting Network  
P. O. Box C-11949  
Santa Ana, California 92711

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Quorum of Montana License, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities of KSVI-DT, Billings,  
Montana; Facility ID No. 5243  
File No. BEPCDT-20020304AIE

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KSVI-DT, Billings, Montana.

On May 9, 2001, Quorum of Montana License, LLC (Quorum) received a permit to construct digital facilities on station KSVI-DT. According to the FCC Form 337 filed by Quorum, it has been unable to construct DTV facilities for financial reasons, and Quorum submits proprietary financial information pursuant to Section 0.459 of the Commission's rules, in support of its extension request. Quorum concludes that all of the company's operating revenue and income is projected to be used for current operating needs, and requests an extension of time until May 1, 2003 to construct KSVI's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Quorum describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. We also request a detailed estimate of when Quorum's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David Pulido  
Quorum of Montana License, LLC  
10 New England Business Center  
Suite 100  
Andover, Massachusetts 02180

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Nexstar Broadcasting of Joplin, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of KSNF-DT,  
Joplin, Missouri  
Facility ID No. 67766  
File No. BEPCDT-20020304AKG

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KSNF-DT, Joplin, Missouri.

On March 30, 2000, Nexstar Broadcasting of Joplin, LLC (Nexstar) received a permit to construct digital facilities on station KSNF-DT. According to the FCC Form 337 filed by Nexstar, it has been unable to construct DTV facilities for financial reasons. In support, Nexstar submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until May 1, 2003 to construct KSNF's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Nexstar describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing sufficiently prior to the original May 1, 2002 DTV construction deadline, so as to permit timely construction, and why those efforts were unsuccessful. We also request submission of a specific plan outlining how Nexstar will use the extension of time to further the construction of KSNF-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Perry Sook  
Nexstar Broadcasting of Joplin, LLC  
200 Abington Executive Park  
Suite 201  
Clarks Summit, Pennsylvania 18411

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Prime Time Christian Broadcasting, Inc.  
c/o Jerold L. Jacobs, Esq.  
Cohen and Marks LLP  
1920 N Street, N.W.  
Suite 300  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to  
Construct Digital Facilities of KRPV-DT,  
Roswell, New Mexico  
Facility ID No. 53539  
File No. BEPCDT-20020304AHI

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KRPV-DT, Roswell, New Mexico.

On July 18, 2001, Prime Time Christian Broadcasting, Inc. (Prime Time) received a permit to construct digital facilities on station KRPV-DT. According to the FCC Form 337 filed by Prime Time, it has been unable to construct DTV facilities for technical, legal and financial reasons. In support, Prime Time asserts that because it operates the station on a noncommercial basis, at a minimum its permit should be extended twelve months, to the May 1, 2003 noncommercial station implementation deadline. Prime Time also asserts that its financial resources and sound principals of economy prevent its completion of construction prior to December 2006, and that it "does not believe that it can obtain any bank loan for build-out purposes, given its current indebtedness [incurred to acquire the KBGD-TV construction permit in Amarillo, Texas] and overall financial posture."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Prime Time provide: (1) audited financial statements which demonstrate Prime Time's financial condition over an economically significant period of time; (2) documentary evidence of Prime Time's previous inability to raise capital for constructing its DTV facilities, such as affidavits from lenders or other financial institutions; (3) a detailed estimate of when the company's financial condition would permit purchase and installation of the necessary equipment; and (4) a specific plan outlining how Prime Time will use the extension of time to further the construction of KRPV-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Albert O. Cooper  
Prime Time Christian Broadcasting, Inc.  
P. O. Box 7708  
Midland, Texas 79708

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Nexstar Broadcasting of the  
Midwest, Inc.  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of KQTV-DT,  
St. Joseph, Missouri  
Facility ID No. 20427  
File No. BEPCDT-20020304AJM

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KQTV-DT, St. Joseph, Missouri.

On June 2, 2000, Nexstar Broadcasting of the Midwest, Inc. (Nexstar) received a permit to construct digital facilities on station KQTV-DT. According to the FCC Form 337 filed by Nexstar, it has been unable to construct DTV facilities for financial reasons. In support, Nexstar submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until May 1, 2003 to construct KQTV's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Nexstar describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing sufficiently prior to the original May 1, 2002 DTV construction deadline, so as to permit timely construction, and why those efforts were unsuccessful. We also request submission of a specific plan outlining how Nexstar will use the extension of time to further the construction of KQTV-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Perry Sook  
Nexstar Broadcasting of the Midwest, Inc.  
200 Abington Executive Park  
Suite 201  
Clarks Summit, Pennsylvania 18411

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Ms. Lori Withrow  
Shawnee Broadcasting, Inc.  
#1 Shackleford Drive  
Suite 400  
Little Rock, Arkansas 72211

Re: Request for Extension of Time to Construct  
Digital Facilities of KQOK-DT,  
Shawnee, Oklahoma  
Facility ID No. 77480  
File No. BEPCDT-20020301AAS

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KQOK-DT, Shawnee, Oklahoma.

On January 24, 2001, Shawnee Broadcasting, Inc. (Shawnee) received a permit to construct digital facilities on station KQOK-DT. In its FCC Form 337, Shawnee asserts that it has been unable to construct DTV facilities for legal reasons. According to Shawnee:

Shawnee has been paralyzed from taking any action to prepare the digital facilities of KQOK as a result of a pending lawsuit involving previous parties that had an interest in the initial application for the Shawnee full power commercial allotment. Therefore, it is uncertain at this point whether issues involved in the underlying litigation will be resolved to allow Shawnee enough time to construct the KQOK(TV) digital facilities.

Shawnee does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

We find that Shawnee's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Shawnee has failed to justify an extension in this case. However, Shawnee will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) earlier efforts by Shawnee to meet the May 1, 2002 deadline; (2) a status report on the litigation referred to in the FCC Form 337, and a detailed description of its impact on Shawnee's ability to construct a DTV facility and steps Shawnee has taken to resolve the litigation expeditiously; (3) a specific plan outlining how it will use the extension time to further the construction of KQOK-DT; and (4) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Prime Time Christian Broadcasting, Inc.  
c/o Jerold L. Jacobs, Esq.  
Cohen and Marks LLP  
1920 N Street, N.W.  
Suite 300  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to  
Construct Digital Facilities of KPTB-DT,  
Snyder, Texas  
Facility ID No. 77452  
File No. BEPCDT-20020304AIA

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KPCB-DT, Snyder, Texas.

On October 10, 2000, Prime Time Christian Broadcasting, Inc. (Prime Time) received a permit to construct digital facilities on station KPCB-DT. According to the FCC Form 337 filed by Prime Time, it has been unable to construct DTV facilities for technical, legal and financial reasons. In support, Prime Time asserts that because it operates the station on a noncommercial basis, at a minimum its permit should be extended twelve months, to the May 1, 2003 noncommercial station implementation deadline. Prime Time also asserts that its financial resources and sound principals of economy prevent its completion of construction prior to December 2006, and that it "does not believe that it can obtain any bank loan for build-out purposes, given its current indebtedness [incurred to acquire the KBGD-TV construction permit in Amarillo, Texas] and overall financial posture."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Prime Time provide: (1) audited financial statements which demonstrate Prime Time's financial condition over an economically significant period of time; (2) documentary evidence of Prime Time's previous inability to raise capital for constructing its DTV facilities, such as affidavits from lenders or other financial institutions; (3) a detailed estimate of when the company's financial condition would permit purchase and installation of the necessary equipment; and (4) a specific plan outlining how Prime Time will use the extension of time to further the construction of KPCB-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Albert O. Cooper  
Prime Time Christian Broadcasting, Inc.  
P. O. Box 7708  
Midland, Texas 79708

---

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

ComCorp of Texas License Corp.  
c/o Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 North 17th Street  
11th Floor  
Arlington, Virginia 22209-3801

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of KPEJ-DT,  
Odessa, Texas  
Facility ID No. 12524  
File No. BEPCDT-20020228AGI

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KPEJ-DT, Odessa, Texas.

On October 25, 2000, ComCorp of Texas License Corp. (ComCorp) received a permit to construct digital facilities on station KPEJ-DT. According to the FCC Form 337 filed by ComCorp, it has been unable to construct DTV facilities for technical and financial reasons. In support, ComCorp states that its parent company has sustained substantial financial losses for the years 1998-2001, and has been in violation of loan covenants with a number of large institutional lenders. ComCorp further states that after auditing its parent's financial statements for 1998-2000, PriceWaterhouseCoopers issued a going concern opinion due to the company's inability to meet its financial covenants, and that loan covenants preclude its parent company from making capital expenditures in excess of a set cap each year, or from borrowing additional funds, necessary for DTV construction.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that ComCorp provide: (1) audited financial statements for its parent corporation from 1999-2001; (2) the going concern opinion issued by PriceWaterhouseCoopers; (3) information regarding any attempts to renegotiate the company's credit lines; (4) a detailed estimate of when ComCorp's financial condition would permit purchase of the necessary equipment; and (5) an explanation of its earlier efforts to meet the May 1, 2002 DTV construction deadline and a specific plan outlining how ComCorp will use the extension of time to further the construction of KPEJ-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: D. Wayne Elmore  
ComCorp of Texas License Corp.  
700 St. Johns Street  
Suite 300  
Lafayette, Louisiana 70501

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Prime Time Christian Broadcasting, Inc.  
c/o Jerold L. Jacobs, Esq.  
Cohen and Marks LLP  
1920 N Street, N.W.  
Suite 300  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to  
Construct Digital Facilities of KPCB-DT,  
Snyder, Texas  
Facility ID No. 77452  
File No. BEPCDT-20020304AIA

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KPCB-DT, Snyder, Texas.

On October 10, 2000, Prime Time Christian Broadcasting, Inc. (Prime Time) received a permit to construct digital facilities on station KPCB-DT. According to the FCC Form 337 filed by Prime Time, it has been unable to construct DTV facilities for technical, legal and financial reasons. In support, Prime Time asserts that because it operates the station on a noncommercial basis, at a minimum its permit should be extended twelve months, to the May 1, 2003 noncommercial station implementation deadline. Prime Time also asserts that its financial resources and sound principals of economy prevent its completion of construction prior to December 2006, and that it "does not believe that it can obtain any bank loan for build-out purposes, given its current indebtedness [incurred to acquire the KBGD-TV construction permit in Amarillo, Texas] and overall financial posture."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Prime Time provide: (1) audited financial statements which demonstrate Prime Time's financial condition over an economically significant period of time; (2) documentary evidence of Prime Time's previous inability to raise capital for constructing its DTV facilities, such as affidavits from lenders or other financial institutions; (3) a detailed estimate of when the company's financial condition would permit purchase and installation of the necessary equipment; and (4) a specific plan outlining how Prime Time will use the extension of time to further the construction of KPCB-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Albert O. Cooper  
Prime Time Christian Broadcasting, Inc.  
P. O. Box 7708  
Midland, Texas 79708

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Greater Nebraska Television, Inc.  
c/o Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 North 17<sup>th</sup> Street  
11<sup>th</sup> Floor  
Arlington, Virginia 22209-3801

Re: Request for Extension of Time to Construct  
Digital Facilities of KNOP-DT,  
North Platte, Nebraska  
Facility ID No. 49273  
File No. BEPCDT-20020228AGM

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KNOP-DT, North Platte, Nebraska.

On April 24, 2001, Greater Nebraska Television, Inc. (Greater Nebraska) received a permit to construct digital facilities on station KNOP-DT. According to the FCC Form 337 filed by Greater Nebraska, it has been unable to construct DTV facilities for financial and other reasons.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Greater Nebraska provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding, including a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Greater Nebraska's specific financial condition warrants an extension, we further request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337, which demonstrate Greater Nebraska's financial condition over an economically significant period of time.<sup>4</sup> We also require that Greater Nebraska describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. Finally, we request a detailed estimate of when Greater Nebraska's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Raymond Johns  
Greater Nebraska Broadcasting of Chico-Redding, Inc.  
71 East Avenue  
Norwalk, Connecticut 06851

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Catamount-Idaho License LLC  
c/o Joseph M. Di Scipio, Esq.  
Cohn & Marks LLP  
1920 N Street, N.W.  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to Construct  
Digital Facilities of KMVT-DT, Twin Falls,  
Idaho; Facility ID No. 35200  
File No. BEPCDT-20020301AKF

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KMVT-DT, Twin Falls, Idaho.

On November 30, 1999, Catamount-Idaho License LLC (Catamount) received a permit to construct digital facilities on station KMVT-DT. According to the FCC Form 337 filed by Catamount, it has been unable to construct DTV facilities for financial reasons, and Catamount submits some proprietary financial information pursuant to Section 0.459 of the Commission's rules, in support of its extension request. Catamount concludes that it is "uncertain when and as to what degree the financial condition of the Company will improve to the extent that the DTV build-out requirements can be met consistent with the overhanging financial obligations of the company, existing loan agreements, and the need to maintain operating capital."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Catamount provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding, including a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Catamount's specific financial condition warrants an extension, we further request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337, which demonstrate Catamount's financial condition over an economically significant period of time.<sup>4</sup> We also require that Catamount describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. Finally, we request a detailed estimate of when Catamount's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Raymond Johns  
Catamount-Idaho License LLC  
71 East Avenue  
Norwalk, Connecticut 06851

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Prime Time Christian Broadcasting, Inc.  
c/o Jerold L. Jacobs, Esq.  
Cohen and Marks LLP  
1920 N Street, N.W.  
Suite 300  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to  
Construct Digital Facilities of KMLM-DT,  
Odessa, Texas  
Facility ID No. 53541  
File No. BEPCDT-20020304AHY

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KMLM-DT, Odessa, Texas.

On July 13, 2001, Prime Time Christian Broadcasting, Inc. (Prime Time) received a permit to construct digital facilities on station KMLM-DT. According to the FCC Form 337 filed by Prime Time, it has been unable to construct DTV facilities for technical, legal and financial reasons. In support, Prime Time asserts that because it operates the station on a noncommercial basis, at a minimum its permit should be extended twelve months, to the May 1, 2003 noncommercial station implementation deadline. Prime Time also asserts that its financial resources and sound principals of economy prevent its completion of construction prior to December 2006, and that it "does not believe that it can obtain any bank loan for build-out purposes, given its current indebtedness [incurred to acquire the KBGD-TV construction permit in Amarillo, Texas] and overall financial posture."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Prime Time provide: (1) audited financial statements which demonstrate Prime Time's financial condition over an economically significant period of time; (2) documentary evidence of Prime Time's previous inability to raise capital for constructing its DTV facilities, such as affidavits from lenders or other financial institutions; (3) a detailed estimate of when the company's financial condition would permit purchase and installation of the necessary equipment; and (4) a specific plan outlining how Prime Time will use the extension of time to further the construction of KMLM-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Albert O. Cooper  
Prime Time Christian Broadcasting, Inc.  
P. O. Box 7708  
Midland, Texas 79708

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Nexstar Broadcasting of Midland-  
Odessa, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of KMID-DT,  
Midland, Texas  
Facility ID No. 35131  
File No. BEPCDT-20020304AHW

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KMID-DT, Midland, Texas.

On July 13, 2001, Nexstar Broadcasting of Midland-Odessa, LLC (Nexstar) received a permit to construct digital facilities on station KMID-DT. According to the FCC Form 337 filed by Nexstar, it has been unable to construct DTV facilities for financial reasons. In support, Nexstar submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until November 1, 2002 to construct KMID's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Nexstar describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing sufficiently prior to the original May 1, 2002 DTV construction deadline, so as to permit timely construction, and why those efforts were unsuccessful. We also request submission of a specific plan outlining how Nexstar will use the extension of time to further the construction of KMID-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Perry Sook  
Nexstar Broadcasting of Midland-  
Odessa, LLC  
200 Abington Executive Park  
Suite 201  
Clarks Summit, Pennsylvania 18411

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Citadel Communications, LLC  
c/o Arthur S. Landerholm, Esq.  
Latham & Watkins  
555 11<sup>th</sup> Street, N.W.  
Suite 1000  
Washington, D.C. 20004-1304

Re: Request for Extension of Time to Construct  
Digital Facilities of KLKE-DT, Albion,  
Nebraska; Facility ID No. 11254  
File No. BEPCDT-20020301ALG

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KLKE-DT, Albion, Nebraska.

On March 17, 2001, Citadel Communications, LLC (Citadel) received a permit to construct digital facilities on station KLKE-DT. According to the FCC Form 337 filed by Citadel, it has been unable to construct DTV facilities for financial reasons. In support, Citadel states that KLKE(TV), which is operated as a satellite of KLKN(TV), Lincoln, Nebraska, has operated on a significant negative cash flow basis for the past three years. Accordingly, Citadel concludes that it does not have the resources to invest the approximately \$125,000 necessary to meet the Commission's minimum build-out requirement for KLKE-DT.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Citadel's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337, which demonstrate Citadel's financial condition over an economically significant period of time.<sup>4</sup> We also require that Citadel describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. Finally, we request a detailed estimate of when Citadel's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Philip Lombardo  
Citadel Communications LLC  
99 Pondfield Road  
Bronxville, New York 10708

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.* Because KLKE(TV) is operated as a satellite of KLKN(TV), and advertising not sold separately, the financial statements should report KLKN(TV)'s income and expenses as well.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Quad Cities Television  
Acquisition Corp.  
c/o Kenneth E. Satten, Esq.  
Wilkinson Barker Knauer, LLP  
2300 N Street, N.W.  
Suite 700  
Washington, D.C. 20037

Re: Request for Extension of Time to Construct  
Digital Facilities of KLJB-DT,  
Davenport, Iowa  
Facility ID No. 54011  
File No. BEPCDT-20020304ADY

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KLJB-DT, Davenport, Iowa.

On November 6, 2000, Quad Cities Television Acquisition Corp. (Quad Cities) received a permit to construct digital facilities on station KQOK-DT. In its FCC Form 337, Quad Cities asserts that it has been unable to construct DTV facilities for technical reasons. According to Quad Cities, it initially intended to construct DTV facilities at its existing analog television transmission tower, but later determined that the tower cannot support the weight of a DTV antenna. Quad Cities further states that it has selected two alternative existing tower sites and is engaged in negotiations with the tower owners. While Quad Cities has ordered some DTV equipment, remaining orders have not been placed because certain technical specifications will differ based upon which tower is utilized.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

We find that Quad Cities' extension request showing is incomplete and request additional information at this time. Specifically, we request that Quad Cities provide information regarding: (1) the status of its tower space negotiations, including when said negotiations took place, and a firm date by which negotiations will be completed; (2) a specific plan outlining how it will use the extension time to further the construction of KLJB-DT; and (3) the date upon which it anticipates that construction will be complete.

Please file the requested information in an amendment to the previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Benjamin Klein  
Quad Cities Television  
Acquisition Corp.  
915 Middle River Drive  
Suite 409  
Fort Lauderdale, Florida 33304



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Quorum of Texas License, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities of KLBK-DT, Lubbock,  
Texas; Facility ID No. 3660  
File No. BEPCDT-20020301AKJ

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KLBK-DT, Lubbock, Texas.

On February 1, 2001, Quorum of Texas License, LLC (Quorum) received a permit to construct digital facilities on station KLBK-DT. According to the FCC Form 337 filed by Quorum, it has been unable to construct DTV facilities for financial reasons, and Quorum submits proprietary financial information pursuant to Section 0.459 of the Commission's rules, in support of its extension request. Quorum concludes that all of the company's operating revenue and income is projected to be used for current operating needs, and requests an extension of time until May 1, 2003 to construct KLBK's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Quorum describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. We also request a detailed estimate of when Quorum's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David Pulido  
Quorum of Texas License, LLC  
10 New England Business Center  
Suite 100  
Andover, Massachusetts 02180

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Ramar Communications II, Ltd.  
c/o John D. Poutasse, Esq.  
Leventhal, Senter & Lerman, PLLC  
2000 K Street, N.W.  
Suite 600  
Washington, D.C. 20006-1809

Re: Request for Extension of Time to Construct  
Digital Facilities of KJTV-DT, Lubbock,  
Texas; Facility ID No. 55031  
File No. BEPCDT-20020304AIG

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KHFT-DT, Hobbs, New Mexico.

On May 14, 2001, Ramar Communications II, LTD (Ramar) received a permit to construct digital facilities on station KJTV-DT. According to the FCC Form 337 filed by Ramar, it has been unable to construct DTV facilities for financial reasons and technical reasons. In support, Ramar submits financial information pursuant to Section 0.459 of the Commission's rules. Ramar also states that it is in the process of choosing a company to construct its proposed tower.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Ramar's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337, which demonstrate Ramar's financial condition over an economically significant period of time.<sup>4</sup> We also require that Ramar describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. Finally, we request a detailed estimate of when Ramar's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Brad Moran  
Ramar Communications II, Ltd.  
P. O. Box 3757  
Lubbock, Texas 79452

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Catamount Broadcasting of Chico-Redding, Inc.  
c/o Joseph M. Di Scipio, Esq.  
Cohn & Marks LLP  
1920 N Street, N.W.  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to Construct  
Digital Facilities of KHSL-DT, Chico, CA  
Facility ID No. 24508  
File No. BEPCDT-20020301AIV

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KHSL-DT, Chico, California.

On December 2, 1999, Catamount Broadcasting of Chico-Redding, Inc. (Catamount) received a permit to construct digital facilities on station KHSL-DT. According to the FCC Form 337 filed by Catamount, it has been unable to construct DTV facilities for financial reasons, and Catamount submits some proprietary financial information pursuant to Section 0.459 of the Commission's rules, in support of its extension request. Catamount concludes that it is "uncertain when and as to what degree the financial condition of the Company will improve to the extent that the DTV build-out requirements can be met consistent with the overhanging financial obligations of the company, existing loan agreements, and the need to maintain operating capital."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Catamount provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding, including a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Catamount's specific financial condition warrants an extension, we further request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337, which demonstrate Catamount's financial condition over an economically significant period of time.<sup>4</sup> We also require that Catamount describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. Finally, we request a detailed estimate of when Catamount's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Raymond Johns  
Catamount Broadcasting of Chico-Redding, Inc.  
71 East Avenue  
Norwalk, Connecticut 06851

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Ramar Communications II, Ltd.  
c/o John D. Poutasse, Esq.  
Leventhal, Senter & Lerman, PLLC  
2000 K Street, N.W.  
Suite 600  
Washington, D.C. 20006-1809

Re: Request for Extension of Time to Construct  
Digital Facilities of KHFT-DT, Hobbs,  
New Mexico; Facility ID No. 27431  
File No. BEPCDT-20020304AKO

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KHFT-DT, Hobbs, New Mexico.

On August 8, 2001, Ramar Communications II, LTD (Ramar) received a permit to construct digital facilities on station KHFT-DT. According to the FCC Form 337 filed by Ramar, it has been unable to construct DTV facilities for financial reasons. According to Ramar, it has been unable to construct digital facilities due to the financial hardships associated with operating a television station in such a small television market. Ramar also states that it has experienced a downturn in advertising revenues, and that KHFT(TV) generates minimal operation revenues and cannot presently afford the additional expenses associated with DTV buildout, particularly so soon after investing \$200,000 to upgrade its analog facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Ramar's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337, which demonstrate Ramar's financial condition over an economically significant period of time.<sup>4</sup> We also require that Ramar describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. Finally, we request a detailed estimate of when Ramar's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Brad Moran  
Ramar Communications II, Ltd.  
P. O. Box 3757  
Lubbock, Texas 79452

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

North Pacific International Television, Inc.  
c/o Peter Tannenwald, Esq.  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, D.C. 20036-3101

Re: Request for Extension of Time to Construct  
Digital Facilities of KHCV-DT, Seattle, WA  
Facility ID No. 49264  
File No. BEPCDT-20020228AEE

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KHCV-DT, Seattle, Washington.

On August 29, 2001, North Pacific International Television, Inc. (North Pacific) received a permit to construct digital facilities on station KHCV-DT. According to the FCC Form 337 filed by North Pacific, it has been unable to construct DTV facilities for technical and financial reasons. Specifically, North Pacific states that it has simultaneously requested special temporary authorization to install a lower power transmitter to begin DTV operations.<sup>1</sup> North Pacific further states that if the lower power operation provides satisfactory coverage in the market, it may file an application to modify its DTV construction permit, but that presently, it plans to operate at lower power on only a temporary basis. Finally, North Pacific represents that the estimated time for delivery of the lower power transmitter is 120 days, and that it will apply for financing for the transmitter purchase "within the next several days." Thus, North Pacific requests a six-month extension of time to allow for approval of financing, and delivery and installation of the lower power transmitter.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>2</sup> The Commission has also determined to "consider, on a case-by-

<sup>1</sup> File No. BDSTA-20020228AGN.

<sup>2</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>3</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>4</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that North Pacific provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding, including a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Pacific's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337, which demonstrate North Pacific's financial condition over an economically significant period of time.<sup>5</sup> We also require that North Pacific describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. Finally, we request a detailed estimate of when North Pacific reasonably expects to complete construction.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Kenneth Casey  
North Pacific International Television, Inc.  
18000 Pacific Highway South, Suite 400  
Seattle, Washington 98188

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<sup>3</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>4</sup> *Id.* at 20611-20612.

<sup>5</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

LibCo, Inc.  
c/o Scott S. Patrick, Esq.  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036

Re: Request for Extension of Time to  
Construct Digital Facilities of KGBT-DT,  
Harlington, Texas  
Facility ID No. 34457  
File No. BEPCDT-20020301ADH

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KGBT-DT, Harlingen, Texas.

On March 10, 2000, LibCo, Inc. (LibCo) received a permit to construct digital facilities on station KGBT-DT. According to the FCC Form 337 filed by LibCo, it has been unable to construct DTV facilities for technical reasons. Specifically, LibCo states that it has been unable to construct its digital facilities until it is able to identify the legitimate tenants on the tower currently used by KGBT-TV and subsequently determine what modifications may be necessary to permit the existing tower to support the addition of DTV transmission equipment. LibCo also states that an antenna design has been selected and "tower structural studies should begin in the not too distant future."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The instructions to FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

We find that the instant extension request is incomplete and request additional information. Specifically, we request that LibCo provide information regarding: (1) the dates on which the tower studies will commence and the deadline for completion of the studies; (2) the dates by which LibCo anticipates ordering equipment and completing any necessary modifications to the tower; and (3) the date by which LibCo anticipates construction will be completed.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Tina Ford  
LibCo, Inc.  
639 Isbell Road  
Suite 390  
Reno, Nevada 89509



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Nexstar Broadcasting of Wichita  
Falls, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of KFDX-DT,  
Wichita Falls, Texas  
Facility ID No. 65370  
File No. BEPCDT-20020304AJT

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KFDX-DT, Wichita Falls, Texas.

On March 30, 2000, Nexstar Broadcasting of Wichita Falls, LLC (Nexstar) received a permit to construct digital facilities on station KFDX-DT. According to the FCC Form 337 filed by Nexstar, it has been unable to construct DTV facilities for financial reasons. In support, Nexstar submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until May 1, 2003 to construct KFDX's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Nexstar describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing sufficiently prior to the original May 1, 2002 DTV construction deadline, so as to permit timely construction, and why those efforts were unsuccessful. We also request submission of a specific plan outlining how Nexstar will use the extension of time to further the construction of KFDX-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Perry Sook  
Nexstar Broadcasting of  
Wichita Falls, LLC  
200 Abington Executive Park  
Suite 201  
Clarks Summit, Pennsylvania 18411

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting of Texas, Inc.  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of KDTX-DT, Dallas,  
Texas; Facility ID No. 67910  
File No. BEPCDT-20020304AGV

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KDTX-DT, Dallas, Texas.

On July 5, 2001, Trinity Broadcasting of Texas, Inc. (Trinity) received a permit to construct digital facilities on station KDTX-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of KDTX-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting of Texas, Inc.  
2823 W. Irving Boulevard  
Irving, Texas 75061-4236



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Quorum of Missouri License, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities of KDEB-DT, Springfield,  
Missouri; Facility ID No. 3659  
File No. BEPCDT-20020304AHV

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KDEB-DT, Springfield, Missouri.

On May 7, 2001, Quorum of Missouri License, LLC (Quorum) received a permit to construct digital facilities on station KDEB-DT. According to the FCC Form 337 filed by Quorum, it has been unable to construct DTV facilities for financial reasons, and Quorum submits proprietary financial information pursuant to Section 0.459 of the Commission's rules, in support of its extension request. Quorum concludes that all of the company's operating revenue and income is projected to be used for current operating needs, and requests an extension of time until May 1, 2003 to construct KDEB's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Quorum describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. We also request a detailed estimate of when Quorum's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David Pulido  
Quorum of Missouri License, LLC  
10 New England Business Center  
Suite 100  
Andover, Massachusetts 02180

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

KDBC-TV Limited Partnership  
c/o Arthur S. Landerholm, Esq.  
Latham & Watkins  
555 11<sup>th</sup> Street, N.W.  
Washington, D.C. 20004

Re: Request for Extension of Time to  
Construct Digital Facilities of KDBC-DT,  
El Paso, Texas  
Facility ID No. 33764  
File No. BEPCDT-20020301AIT

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KDBC-DT, El Paso, Texas.

On March 13, 2000, KDBC-TV Limited Partnership (KDBC-TV) received a permit to construct digital facilities on station KDBC-DT. According to the FCC Form 337 filed by KDBC-TV, it has been unable to construct DTV facilities for financial reasons. In support, KDBC-TV states that the station has operated on a negative cash flow basis for the past five years, and that while KDBC-TV completed a tower reinforcement project in Spring 2001, it does not have the financial resources at this time to cover the cost of the equipment necessary to complete the DTV build-out.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that KDBC-TV provide: (1) audited financial statements which demonstrate KDBC-TV's financial condition over an economically significant period of time; (2) documentary evidence of KDBC-TV's inability to raise capital, such as affidavits from lenders or other financial institutions; (3) a detailed estimate of when the company's financial condition would permit purchase of the necessary equipment; and (4) an explanation of its earlier efforts to meet the May 1, 2002 DTV construction deadline and a specific plan outlining how KDBC-TV will use the extension of time to further the construction of KDBC-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Frank B. Imes  
KDBC-TV Limited Partnership  
P. O. Box 1799  
El Paso, Texas 79999

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Quorum of Louisiana License, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities of KARD-DT, West  
Monroe, Louisiana; Facility ID No. 3658  
File No. BEPCDT-20020301AHP

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KARD-DT, West Monroe, Louisiana.

On January 22, 2001, Quorum of Louisiana License, LLC (Quorum) received a permit to construct digital facilities on station KARD-DT. According to the FCC Form 337 filed by Quorum, it has been unable to construct DTV facilities for financial reasons, and Quorum submits proprietary financial information pursuant to Section 0.459 of the Commission's rules, in support of its extension request. Quorum concludes that all of the company's operating revenue and income is projected to be used for current operating needs, and requests an extension of time until May 1, 2003 to construct KARD's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Quorum describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. We also request a detailed estimate of when Quorum's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David Pulido  
Quorum of Louisiana License, LLC  
10 New England Business Center  
Suite 100  
Andover, Massachusetts 02180

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Reiten Television, Inc.  
c/o Brendan Holland, Esq.  
ShawPittman, LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

Re: Request for Extension of Time to  
Construct Digital Facilities of KXMD-DT,  
Williston, North Dakota  
Facility ID No. 55683  
File No. BEPCDT-20020226ADP

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station KXMD-DT, Williston, North Dakota.

On April 28, 2000, Reiten Television, Inc. (Reiten) received a permit to construct digital facilities on station KXMD-DT. According to the FCC Form 337 filed by Reiten, it has been unable to construct DTV facilities for financial reasons. In support, Reiten submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Reiten provide: (1) documentary evidence of Reiten's previous inability to raise capital for constructing its DTV facilities, such as affidavits from lenders or other financial institutions; (2) a detailed estimate of when the company's financial condition would permit purchase and installation of the necessary equipment; and (3) a specific plan outlining how Reiten will use the extension of time to further the construction of KXMD-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David M. Reiten  
Reiten Television, Inc.  
P. O. Box 1686  
Minot, North Dakota 58702

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

LibCo, Inc.  
c/o Scott S. Patrick, Esq.  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036

Re: Request for Extension of Time to  
Construct Digital Facilities of WALB-DT,  
Albany, Georgia  
Facility ID No. 70713  
File No. BEPCDT-20020301ADP

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WALB-DT, Albany, Georgia.

On May 17, 2001, LibCo, Inc. (LibCo) received a permit to construct digital facilities on station WALB-DT. According to the FCC Form 337 filed by LibCo, it has been unable to construct DTV facilities for technical reasons. Specifically, LibCo states that construction has been delayed because LibCo was required to file a maximization request with the Commission, and continues to be delayed by an ongoing dispute between LibCo's parent company and a tower construction company regarding the physical condition of WALB-TV current transmitting tower. According to LibCo:

Until the tower's structural issues are resolved, WALB-TV can not ascertain the ability of that structure to handle either a combined digital/analog antenna or an additional digital-only antenna. Given the extraordinary expense required in the construction of a new tower, WALB-TV is trying to exhaust every potential option for using its present structure . . . [and] will work diligently to resolve its tower issues.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve

the problem expeditiously.<sup>1</sup> The instructions to FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that LibCo provide information regarding: (1) past and current negotiations regarding its existing analog tower, and a date by which such negotiations will be concluded; (2) steps LibCo has taken to locate an alternative tower site; and (3) a specific plan outlining how LibCo will use the extension of time to further the construction of WALB-DT, including a date by which the station's DTV equipment will be ordered.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Tina Ford  
LibCo, Inc.  
639 Isbell Road  
Suite 390  
Reno, Nevada 89509

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Morris Network of Mississippi, Inc.  
c/o Vincent J. Curtis, Jr., Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 North 17th Street  
11th Floor  
Arlington, Virginia 22209

Re: Request for Extension of Time to Construct  
Digital Facilities of WXXV-DT,  
Gulfport, Mississippi  
Facility ID No. 53517  
File No. BEPCDT-20020301AKM

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WXXV-DT, Gulfport, Mississippi.

On January 11, 2001, Morris Multimedia, Inc. (Morris) received a permit to construct digital facilities on station WXXV-DT. In its FCC Form 337, Morris asserts that it has been unable to construct DTV facilities due to the unavailability of necessary equipment for it to complete construction of the proposed DTV facilities. According to Morris, both its tower companies and its associated equipment supplier have indicated that the companies will be unable to deliver and install the DTV transmission facilities for WXXV-DT prior to May 1, 2002. Morris also asserts that it should be granted an extension because its DTV construction permit was granted only fifteen and one-half months prior to the current May 1, 2002 deadline for completing construction.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

We find that Morris's extension request is deficient, and accordingly, request further information. Specifically, Morris is requested to amend its previously filed FCC Form 337 within fifteen (15) days from the date of this letter to provide: (1) information regarding previous efforts taken by Morris to meet the May 1, 2002 DTV build-out deadline, including the dates on which it ordered its equipment and scheduled installation; (2) the letters from tower companies and equipment supplier referred to in the FCC Form 337 filed by Morris; and (3) the date upon which Morris anticipates that construction of the digital facilities will be completed.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: H. Dean Hinson  
Morris Network of Mississippi, Inc.  
P. O. Box 748  
Little Rock, Arkansas 72203



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting Network  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of WWTO-DT, La Salle,  
Illinois; Facility ID No. 998  
File No. BEPCDT-20020304ADW

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WWTO-DT, La Salle, Illinois.

On March 7, 2001, Trinity Broadcasting Network (Trinity) received a permit to construct digital facilities on station WWTO-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of WWTO-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting Network  
P. O. Box C-11949  
Santa Ana, California 92711



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

LibCo, Inc.  
c/o Scott S. Patrick, Esq.  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036

Re: Request for Extension of Time to  
Construct Digital Facilities of WWAY-DT,  
Wilmington, North Carolina  
Facility ID No. 12033  
File No. BEPCDT-20020301ADJ

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WWAY-DT, Wilmington, North Carolina.

On December 8, 1999, LibCo, Inc. (LibCo) received a permit to construct digital facilities on station WWAY-DT. According to the FCC Form 337 filed by LibCo, it has been unable to construct DTV facilities for technical reasons. Specifically, LibCo states that over the past two years, it worked with other stations in the market to construct a new community tower in Wilmington, after initial engineering studies indicated that the current WWAY-TV tower could not accommodate the needs of all of the local stations searching for a tower site, but that in June 2001, the tower consolidator/contractor unexpectedly withdrew from the project. According to LibCo, the community tower project was then abandoned, and LibCo's parent, through further analysis and new antenna designs, determined it could salvage the existing tower by strengthening and other means. LibCo concludes that:

When the final structural studies are completed and reinforcing prices are obtained, contracts will be awarded for the work. The process of reinforcement, ordering new antenna and transmission lines and installing all the other DTV equipment will take a total of eighteen months.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve

the problem expeditiously.<sup>1</sup> The instructions to FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that LibCo provide information regarding: (1) the dates on which the structural studies will commence and the deadline for completion of the studies; (2) the dates by which LibCo anticipates ordering equipment and completing any necessary modifications to the tower; and (3) the date by which LibCo anticipates construction will be completed.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Tina Ford  
LibCo, Inc.  
639 Isbell Road  
Suite 390  
Reno, Nevada 89509

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

WWTV Licensee, Inc.  
c/o Kathryn R. Schmeltzer, Esq.  
ShawPittman LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

Re: Request for Extension of Time to Construct  
Digital Facilities of WWTV-DT, Milwaukee,  
Wisconsin; Facility ID No. 74174  
File No. BEPCDT-20020301AKZ

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WWTV-DT, Milwaukee, Wisconsin.

On April 24, 2001, WWTV Licensee, Inc. (WWTV) received a permit to construct digital facilities on station WWTV-DT. In its FCC Form 337, WWTV asserts that it has been unable to construct DTV facilities for technical reasons, stating that the existing WWTV tower is not capable of supporting a DTV antenna system and that a new community tower has been constructed. According to WWTV, it "is in the final stage of lease negotiations, . . . [t]he antenna system and DTV transmitter are on order, and specific antenna mounting and transmitter equipment are ready." WWTV, however, does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WWTV's extension request is deficient, and accordingly, request further information. Specifically, WWTV is requested to amend its previously filed FCC Form 337 within fifteen (15) days from the date of this letter to provide: (1) information regarding the status of its tower lease negotiations, and a firm date by which negotiations will be completed;

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

(2) a specific plan outlining how it will use the extension time to further the construction of WWTV-DT; and (3) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David B. Amy  
WWTV Licensee, Inc.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

High Mountain Broadcasting Corporation  
c/o George R. Bosari, Jr., Esq.  
Borsari and Paxson  
2021 L Street, N.W.  
Suite 402  
Washington, D.C. 20036

Re: Request for Extension of Time to  
Construct Digital Facilities of WVSX-DT,  
Lewisburg, West Virginia  
Facility ID No. 74169  
File No. BEPCDT-20020226ADO

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WVSX-DT, Lewisburg, West Virginia.

On January 11, 2001, High Mountain Broadcasting Corp. (High Mountain) received a permit to construct digital facilities on station WVSX-DT. According to the FCC Form 337 filed by High Mountain, it has been unable to construct DTV facilities for financial reasons. In support, High Mountain states that it has lost considerable sums of money every year since it began operations in 1996, and that its lender denied its request for an increase in outstanding debt to cover the cost of constructing DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that High Mountain provide: (1) audited financial statements which demonstrate High Mountain's financial condition over an economically significant period of time; (2) documentary evidence of High Mountain's previous inability to raise capital for constructing its DTV facilities, such as affidavits from lenders or other financial institutions; (3) a detailed estimate of when the company's financial condition would permit purchase and installation of the necessary equipment; and (4) a specific plan outlining how High Mountain will use the extension of time to further the construction of WVSX-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: John Tupper  
High Mountain Broadcasting Corp.  
112 High Ridge Avenue  
Ridgefield, Connecticut 06877

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Bell Broadcasting, LLC  
c/o Mark J. Prak, Esq.  
Brooks, Pierce, McLendon,  
Humphrey & Leonard, LLP  
Post Office Box 1800  
Raleigh, North Carolina 27602

Re: Request for Extension of Time to  
Construct Digital Facilities of WUPV-DT,  
Ashland, Virginia  
Facility ID No. 10897  
File No. BEPCDT-20020304AKZ

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WUPV-DT, Ashland, Virginia.

On March 27, 2001, Bell Broadcasting, LLC (Bell) received a permit to construct digital facilities on station WUPV-DT. According to the FCC Form 337 filed by Bell, it has been unable to complete construction of its DTV facilities, but has made substantial progress. Specifically, Bell states that it:

anticipates that it will be on the air with a minimum initial DTV facility by the May 1, 2002 deadline, pending (1) delivery of the DTV equipment, which WUPV-DT has been advised will take approximately 45 to 90 days; (2) tower crew scheduling; and (3) installation of the station's DTV equipment. Following the completion of the above items, and before commencing digital operation, WUPV-DT plans to file a request for special temporary authority to operate with a minimum initial facility as described by the Commission in the *Memorandum Opinion and Order on Reconsideration*.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The instructions to FCC Form 337 requires that an applicant seeking

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Bell provide information regarding: (1) the date it ordered its DTV equipment, and the date by which the equipment will be shipped; (2) the date the tower crew is scheduled to work on the tower, and the estimated date of completion; (3) the date by which Bell anticipates construction will be completed; (4) the date by which Bell intends to file for an STA with the Commission.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David Hanna  
Bell Broadcasting, LLC



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Nexstar Broadcasting of the  
Midwest, Inc.  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of WTWO-DT,  
Terre Haute, Indiana  
Facility ID No. 20426  
File No. BEPCDT-20020304AJ0

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WTWO-DT, Terre Haute, Indiana.

On March 30, 2000, Nexstar Broadcasting of the Midwest, Inc. (Nexstar) received a permit to construct digital facilities on station WTWO-DT. According to the FCC Form 337 filed by Nexstar, it has been unable to construct DTV facilities for financial reasons. In support, Nexstar submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until May 1, 2003 to construct WTWO's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Nexstar describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing sufficiently prior to the original May 1, 2002 DTV construction deadline, so as to permit timely construction, and why those efforts were unsuccessful. We also request submission of a specific plan outlining how Nexstar will use the extension of time to further the construction of WTWO-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Perry Sook  
Nexstar Broadcasting of the Midwest, Inc.  
200 Abington Executive Park  
Suite 201  
Clarks Summit, Pennsylvania 18411

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Quorum of Indiana License, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities of WTVW-DT, Evansville,  
Indiana; Facility ID No. 3661  
File No. BEPCDT-20020301AKX

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WTVW-DT, Evansville, Indiana.

On May 3, 2001, Quorum of Indiana License, LLC (Quorum) received a permit to construct digital facilities on station WTVW-DT. According to the FCC Form 337 filed by Quorum, it has been unable to construct DTV facilities for financial reasons, and Quorum submits proprietary financial information pursuant to Section 0.459 of the Commission's rules, in support of its extension request. Quorum concludes that all of the company's operating revenue and income is projected to be used for current operating needs, and requests an extension of time until May 1, 2003 to construct WTVW's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Quorum describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. We also request a detailed estimate of when Quorum's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David Pulido  
Quorum of Indiana License, LLC  
10 New England Business Center  
Suite 100  
Andover, Massachusetts 02180

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting Network  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of WTJP-DT, Gadsden,  
Alabama; Facility ID No. 1002  
File No. BEPCDT-20020304ADG

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WTJP-DT, Gadsden, Alabama.

On January 6, 2001, Trinity Broadcasting Network (Trinity) received a permit to construct digital facilities on station WTJP-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of WTJP-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting Network  
P. O. Box C-11949  
Santa Ana, California 92711



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting of New York, Inc.  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of WTBY-DT,  
Poughkeepsie, New York  
Facility ID No. 67993  
File No. BEPCDT-20020304AGT

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WTBY-DT, Poughkeepsie, New York.

On September 12, 2001, Trinity Broadcasting Network (Trinity) received a permit to construct digital facilities on station WTBY-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve

the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of WTBY-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting of New York, Inc.  
P. O. Box 534  
Fishkill, New York 12524

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Media General Communications, Inc.  
c/o Kevin P. Latek, Esq.  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036

Re: Request for Extension of Time to  
Construct Digital Facilities of WSAV-DT,  
Savannah, Georgia  
Facility ID No. 48662  
File No. BEPCDT-20020304AEB

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WSAV-DT, Savannah, Georgia.

On January 28, 2000, Media General Communications, Inc. (Media General) received a permit to construct digital facilities on station WSAV-DT. According to the FCC Form 337 filed by Media General, it has been unable to complete construction of its DTV facilities for technical reasons. Media General explains the despite great efforts, it has been unable to locate a suitable tower for the station's digital operations, and that it is presently exploring several options, including sharing space on the tower used by WTOG(TV), or renting space on a new community tower Richland Towers plans to construct in Savannah.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The instructions to FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Media General provide information regarding: (1) the status of its deliberations regarding the tower options being considered, and the deadline by which a decision will be made by Media General; and (2) the date by which Media General anticipates construction of WSAV-DT will be completed.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: George L. Mahoney, Esq.  
Media General Communications, Inc.  
333 East Franklin Street  
Richmond, Virginia 23219



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Nexstar Broadcasting of Rochester, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of WROC-DT,  
Rochester, New York  
Facility ID No. 73964  
File No. BEPCDT-20020304AID

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WROC-DT, Rochester, New York.

On March 15, 2001, Nexstar Broadcasting of Rochester, LLC (Nexstar) received a permit to construct digital facilities on station WROC-DT. According to the FCC Form 337 filed by Nexstar, it has been unable to construct DTV facilities for financial reasons. In support, Nexstar submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until November 1, 2002 to construct WROC's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Nexstar describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing sufficiently prior to the original May 1, 2002 DTV construction deadline, so as to permit timely construction, and why those efforts were unsuccessful. We also request submission of a specific plan outlining how Nexstar will use the extension of time to further the construction of WROC-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Perry Sook  
Nexstar Broadcasting of Rochester, LLC  
200 Abington Executive Park  
Suite 201  
Clarks Summit, Pennsylvania 18411

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting Network  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of WPGD-DT,  
Hendersonville, Tennessee  
Facility ID No. 60820  
File No. BEPCDT-20020304ADH

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WPGD-DT, Hendersonville, Tennessee.

On February 8, 2001, Trinity Broadcasting Network (Trinity) received a permit to construct digital facilities on station WPGD-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve

the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of WPGD-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting Network  
P. O. Box C-11949  
Santa Ana, California 92711

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

WMSN Licensee, LLC  
c/o Kathryn R. Schmeltzer, Esq.  
ShawPittman LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

Re: Request for Extension of Time to Construct  
Digital Facilities of WMSN-DT,  
Madison, Wisconsin  
Facility ID No. 10221  
File No. BEPCDT-20020301ALW

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WMSN-DT, Madison, Wisconsin.

On January 26, 2001, WMSN Licensee, LLC (WMSN) received a permit to construct digital facilities on station WMSN-DT. In its FCC Form 337, WMSN asserts that it has been unable to construct DTV facilities for technical reasons, stating that:

WMSN leases tower space from the University of Wisconsin Research Park. All tower modifications have been completed. To accommodate all of the broadcasters on the tower, our original NTSC antenna had to be replaced with a new design configured for two additional antenna.

WMSN does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

We find that WMSN's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, WMSN has failed to justify an extension in this case. However, WMSN will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) previous efforts taken by WMSN to meet the May 1, 2002 DTV build-out deadline; (2) a specific plan outlining how WMSN will use the extension time to further the construction of WMSN-DT; (3) a schedule of equipment ordered by WMSN with estimated delivery dates; and (4) the date upon which it anticipates that construction of the digital facilities will be completed.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David B. Amy  
WMSN Licensee, LLC



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting Network  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of WMPV-DT, Mobile,  
Alabama; Facility ID No. 60827  
File No. BEPCDT-20020304AEC

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WMPV-DT, Mobile, Alabama.

On January 15, 2002, Trinity Broadcasting Network (Trinity) received a permit to construct digital facilities on station WMPV-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of WMPV-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting Network  
P. O. Box C-11949  
Santa Ana, California 92711



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

WMMP Licensee, LP  
c/o Kathryn R. Schmeltzer, Esq.  
Shaw Pittman  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

Re: Request for Extension of Time to Construct  
Digital Facilities of WMMP-DT,  
Charleston, South Carolina  
Facility ID No. 9015  
File No. BEPCDT-20020301ALT

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WWMP-DT, Charleston, South Carolina.

On February 1, 2001, WMMP Licensee, LP (WMMP) received a permit to construct digital facilities on station WMMP-DT. In its FCC Form 337, WMMP asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, WMMP states that its current tower is not capable of supporting a DTV antenna without modification, and that the tower owner "is in the process of conducting a formal tower study." According to WMMP, "once the tower issues have been worked out, the antenna system will be ordered." WMMP does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WMMP's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

337. Thus, WMMP has failed to justify an extension in this case. However, WMMP will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of WMMP-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David B. Amy  
10706 Beaver Dam Road  
Cockeysville, Maryland 21030



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting Network  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of WMCF-DT,  
Montgomery, Alabama  
Facility ID No. 60829  
File No. BEPCDT-20020304ADJ

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WMCF-DT, Montgomery, Alabama.

On November 11, 2001, Trinity Broadcasting Network (Trinity) received a permit to construct digital facilities on station WMCF-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve

the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of WMCF-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting Network  
P. O. Box C-11949  
Santa Ana, California 92711

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Nexstar Broadcasting of Peoria, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of WMBD-DT,  
Peoria, Illinois  
Facility ID No. 42121  
File No. BEPCDT-20020304AJN

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WMBD-DT, Peoria, Illinois.

On October 25, 2001, Nexstar Broadcasting of Peoria, LLC (Nexstar) received a permit to construct digital facilities on station WMBD-DT. According to the FCC Form 337 filed by Nexstar, it has been unable to construct DTV facilities for financial reasons. In support, Nexstar submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until May 1, 2003 to construct WMBD's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Nexstar describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing sufficiently prior to the original May 1, 2002 DTV construction deadline, so as to permit timely construction, and why those efforts were unsuccessful. We also request submission of a specific plan outlining how Nexstar will use the extension of time to further the construction of WMBD-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Perry Sook  
Nexstar Broadcasting of Peoria, LLC  
200 Abington Executive Park  
Suite 201  
Clarks Summit, Pennsylvania 18411

---

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

LIBCO, Inc.  
c/o Scott S. Patrick, Esq.  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036

Re: Request for Extension of Time to  
Construct Digital Facilities of WLOX-DT,  
Biloxi, Mississippi  
Facility ID No. 13995  
File No. BEPCDT-20020301ADM

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WLOX-DT, Biloxi, Mississippi.

On May 14, 2001, LIBCO, Inc. (LIBCO) received a permit to construct digital facilities on station WLOX-DT. According to the FCC Form 337 filed by LIBCO, it has been unable to construct DTV facilities for technical reasons. Specifically, LIBCO states that initially, it intended to replace the WLOX tower with a commonly-owned tower to be taken down near Wilmington, North Carolina, but that it was ultimately decided, in December 2001, to leave the North Carolina tower at its present location. LIBCO states that after that decision was made, "the Biloxi station then renewed its efforts to find an economically viable solution to building a new structure [and] believes it has now found two new digital antenna designs which would keep the current tower in service." According to LIBCO, the station is awaiting structure load information from the equipment vendors before a new tower study can be done, and at completion of the study, reinforcement of the tower will begin and equipment orders will be placed.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The instructions to FCC Form 337 requires that an applicant seeking

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that LIBCO provide: (1) a specific plan outlining how LIBCO will use the extension of time to further the construction of WLOX-DT, including a firm date for completion of the necessary tower study, reinforcement of the tower, and installation of DTV equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Tina Ford  
LIBCO, Inc.  
639 Isbell Road  
Suite 390  
Reno, Nevada 89509



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting of Indiana, Inc.  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of WKOI-DT, Richmond,  
Indiana; Facility ID No. 67869  
File No. BEPCDT-20020304AGP

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WKOI-DT, Richmond, Indiana.

On March 2, 2001, Trinity Broadcasting of Indiana, Inc. (Trinity) received a permit to construct digital facilities on station WKOI-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of WKOI-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting of Indiana, Inc.  
P. O. Box 1057  
Richmond, Indiana 47274



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Stainless Broadcasting, LLP  
c/o John D. Poutasse, Esq.  
Leventhal, Senter & Lerman, PLLC  
2000 K Street, N.W.  
Suite 600  
Washington, D.C. 20006

Re: Request for Extension of Time to  
Construct Digital Facilities of WICZ-DT,  
Binghamton, New York  
Facility ID No. 62210  
File No. BEPCDT-20020301AJU

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WICZ-DT, Binghamton, New York.

On January 16, 2001, Stainless Broadcasting, LP (Stainless) received a permit to construct digital facilities on station WICZ-DT. According to the FCC Form 337 filed by Stainless, it has been unable to construct DTV facilities for financial reasons. In support, Stainless submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Stainless provide: (1) audited financial statements for Stainless and its parent company from 1999-2001; (2) information regarding any attempts to renegotiate the company's credit lines; (3) a detailed estimate of when the company's financial condition would permit purchase of the necessary equipment; and (4) an explanation of its earlier efforts to meet the May 1, 2002 DTV construction deadline and a specific plan outlining how Stainless will use the extension of time to further the construction of WICZ-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Brian W. Brady  
Stainless Broadcasting,LP  
c/o Northwest Broadcasting, Inc.  
2193 Association Drive  
Suite 300  
Okemos, Michigan 48864

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting of Florida, Inc.  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of WHFT-DT, Miami,  
Florida; Facility ID No. 67971  
File No. BEPCDT-20020304AGM

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WHFT-DT, Miami, Florida.

On October 3, 2000, Trinity Broadcasting of Florida, Inc. (Trinity) received a permit to construct digital facilities on station WHFT-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of WHFT-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting of Florida, Inc.  
3324 Pembroke Road  
Pembroke Park, Florida 33021



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Quorum of Maryland License, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of WHAG-DT,  
Hagerstown, Maryland  
Facility ID No. 25045  
File No. BEPCDT-20020301AGW

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WHAG-DT, Hagerstown, Maryland.

On August 3, 2001, Quorum of Maryland License, LLC (Quorum) received a permit to construct digital facilities on station WHAG-DT. According to the FCC Form 337 filed by Quorum, it has been unable to construct DTV facilities for financial reasons, and Quorum submits proprietary financial information pursuant to Section 0.459 of the Commission's rules, in support of its extension request. Quorum concludes that all of the company's operating revenue and income is projected to be used for current operating needs, and requests an extension of time until May 1, 2003 to construct WHAG's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Quorum describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. We also request a detailed estimate of when Quorum's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David Pulido  
Quorum of Maryland License, LLC  
10 New England Business Center  
Suite 100  
Andover, Massachusetts 02180

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

ComCorp of Baton Rouge License Corp.  
c/o Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 North 17th Street  
11th Floor  
Arlington, Virginia 22209-3801

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of WGMB-DT,  
Baton Rouge, Louisiana  
Facility ID No. 12520  
File No. BEPCDT-20020228AGK

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WGMB-DT, Baton Rouge, Louisiana.

On October 25, 2000, ComCorp of Baton Rouge License Corp. (ComCorp) received a permit to construct digital facilities on station WGMB-DT. According to the FCC Form 337 filed by ComCorp, it has been unable to construct DTV facilities for technical and financial reasons. In support, ComCorp states that its parent company has sustained substantial financial losses for the years 1998-2001, and has been in violation of loan covenants with a number of large institutional lenders. ComCorp further states that after auditing its parent's financial statements for 1998-2000, PriceWaterhouseCoopers issued a going concern opinion due to the company's inability to meet its financial covenants, and that loan covenants preclude its parent company from making capital expenditures in excess of a set cap each year, or from borrowing additional funds, necessary for DTV construction.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that ComCorp provide: (1) audited financial statements for its parent corporation from 1999-2001; (2) the going concern opinion issued by PriceWaterhouseCoopers; (3) information regarding any attempts to renegotiate the company's credit lines; (4) a detailed estimate of when ComCorp's financial condition would permit purchase of the necessary equipment; and (5) an explanation of its earlier efforts to meet the May 1, 2002 DTV construction deadline and a specific plan outlining how ComCorp will use the extension of time to further the construction of WGMB-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: D. Wayne Elmore  
ComCorp of Baton Rouge License Corp.  
700 St. Johns Street  
Suite 300  
Lafayette, Louisiana 70501

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Chattanooga Media Holdings, LLC  
c/o Nam E. Kim, Esq.  
Dow, Lohnes & Albertson  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036-6802

Re: Request for Extension of Time to Construct  
Digital Facilities of WFLI-DT, Cleveland,  
Tennessee; Facility ID No. 72060  
File No. BEPCDT-20020301ALA

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WFLI-DT, Cleveland, Tennessee.

On February 1, 2001, Chattanooga Media Holdings, LLC (Chattanooga) received a permit to construct digital facilities on station WFLI-DT. According to the FCC Form 337 filed by Chattanooga, it has been unable to construct DTV facilities for financial reasons and submits financial information pursuant to Section 0.459 of the Commission's rules.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. In order to determine whether Chattanooga's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337, which demonstrate Chattanooga's financial condition over an economically significant period of time.<sup>4</sup> We also require that Chattanooga describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. Finally, we request a detailed estimate of when Chattanooga's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: J. P. Hannan  
Chattanooga Media Holdings, LLC  
100 North Crescent Drive  
Beverly Hills, California 90210

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Quorum of Ft. Wayne License, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities of WFFT-DT, Fort Wayne,  
Indiana; Facility ID No. 25040  
File No. BEPCDT-20020301AGT

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WFFT-DT, Fort Wayne, Indiana.

On September 28, 2001, Quorum of Fort Wayne License, LLC (Quorum) received a permit to construct digital facilities on station WFFT-DT. According to the FCC Form 337 filed by Quorum, it has been unable to construct DTV facilities for financial reasons, and Quorum submits proprietary financial information pursuant to Section 0.459 of the Commission's rules, in support of its extension request. Quorum concludes that all of the company's operating revenue and income is projected to be used for current operating needs, and requests an extension of time until May 1, 2003 to construct WFFT's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Quorum describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing, and why those efforts were unsuccessful. We also request a detailed estimate of when Quorum's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: David Pulido  
Quorum of Ft. Wayne License, LLC  
10 New England Business Center  
Suite 100  
Andover, Massachusetts 02180

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

ComCorp of Indiana License Corp.  
c/o Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 North 17th Street  
11th Floor  
Arlington, Virginia 22209-3801

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of WEVV-DT,  
Evansville, Indiana  
Facility ID No. 72041  
File No. BEPCDT-20020228AGJ

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WEVV-DT, Evansville, Indiana.

On January 22, 2001, ComCorp of Indiana License Corp. (ComCorp) received a permit to construct digital facilities on station WEVV-DT. According to the FCC Form 337 filed by ComCorp, it has been unable to construct DTV facilities for technical and financial reasons. In support, ComCorp states that its parent company has sustained substantial financial losses for the years 1998-2001, and has been in violation of loan covenants with a number of large institutional lenders. ComCorp further states that after auditing its parent's financial statements for 1998-2000, PriceWaterhouseCoopers issued a going concern opinion due to the company's inability to meet its financial covenants, and that loan covenants preclude its parent company from making capital expenditures in excess of a set cap each year, or from borrowing additional funds, necessary for DTV construction.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that ComCorp provide: (1) audited financial statements for its parent corporation from 1999-2001; (2) the going concern opinion issued by PriceWaterhouseCoopers; (3) information regarding any attempts to renegotiate the company's credit lines; (4) a detailed estimate of when ComCorp's financial condition would permit purchase of the necessary equipment; and (5) an explanation of its earlier efforts to meet the May 1, 2002 DTV construction deadline and a specific plan outlining how ComCorp will use the extension of time to further the construction of WEVV-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: D. Wayne Elmore  
ComCorp of Indiana License Corp.  
700 St. Johns Street  
Suite 300  
Lafayette, Louisiana 70501

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Lilly Broadcasting, LLC  
c/o Arthur S. Landerholm, Esq.  
Latham & Watkins  
555 11<sup>th</sup> Street, N.W.  
Washington, D.C. 20004

Re: Request for Extension of Time to  
Construct Digital Facilities of WENY-DT,  
Elmira, New York  
Facility ID No. 71508  
File No. BEPCDT-20020301AIA

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WENY-DT, Elmira, New York.

On June 15, 2000, Lilly Broadcasting, LLC (Lilly) received a permit to construct digital facilities on station WENY-DT. According to the FCC Form 337 filed by Lilly, it has been unable to construct DTV facilities for financial reasons. In support, Lilly states that the station has operated on a negative cash flow basis since Lilly acquired it in October 1999, and that Lilly does not have cash on hand to fund the DTV build-out. Lilly further states that it anticipates that it may be out of compliance with the financial covenants in the loan agreement with its senior lender, "making access to additional capital on commercially reasonable terms and conditions from either debt or equity sources essentially impossible."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Lilly provide: (1) audited financial statements from 1999-2001; (2) information regarding any attempts to renegotiate the company's loan agreements; (3) a detailed estimate of when the company's financial condition would permit purchase of the necessary equipment; and (4) an explanation of its earlier efforts to meet the May 1, 2002 DTV construction deadline and a specific plan outlining how Lilly will use the extension of time to further the construction of WENY-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Kevin Lilly  
Lilly Broadcasting, LLC  
2 East Leigh Lane  
Natick, Massachusetts 01760

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting Network, Inc.  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of WDLI-DT, Canton,  
Ohio; Facility ID No. 67893  
File No. BEPCDT-20020304ADE

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WDLI-DT, Canton, Ohio.

On February 1, 2001, Trinity Broadcasting Network, Inc. (Trinity) received a permit to construct digital facilities on station WDLI-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of WDLI-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting Network, Inc.  
P. O. Box C-11949  
Santa Ana, California 92711



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

WDKA Acquisition Corp.  
c/o William M. Barnard, Esq.  
5028 Wisconsin Avenue, N.W.  
Suite 301  
Washington, D.C. 20016

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of WDKA-DT,  
Paducah, Kentucky  
Facility ID No. 39561  
File No. BEPCDT-20020301AIS

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WDKA-DT, Paducah, Kentucky.

On November 6, 2000, WDKA Acquisition Corporation (WDKA) received a permit to construct digital facilities on station WDKA-DT. According to the FCC Form 337 filed by WDKA, it has been unable to construct DTV facilities for legal and financial reasons. In support of its extension request, WDKA states that the station is programmed pursuant to a time brokerage agreement with Sinclair Properties, LLC, and that "from a practical standpoint, construction and operation of the [DTV] facility without reaching agreement with Sinclair is not possible," given the low level of compensation paid by Sinclair to WDKA. According to WDKA, Sinclair has indicated that it "is not interested in contributing to the construction and operation of the [DTV facility] . . . [but instead] takes the position that the licensee is required to construct and operate the channel at its own expense and to simulcast Sinclair's DTV programming without compensation." Finally, WDKA states that it has informed Sinclair that all negotiations with respect to use of the DTV facility must be completed within 60 days, and that whatever the outcome of these negotiations, WDKA "will construct the facility either on a full power or STA basis, within six months of grant of this extension application."

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve

the problem expeditiously.<sup>1</sup> The Commission has also determined to “consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station’s financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station’s claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that WDKA: (1) more fully describe its earlier efforts to meet the deadline, including the timing and substance of its negotiations with Sinclair regarding construction of the DTV facility, as well as WDKA's efforts to obtain outside financing sufficiently prior to the original May 1, 2002 DTV construction deadline, so as to permit timely construction, and why those efforts were unsuccessful; (2) the result of its negotiations with Sinclair regarding construction of WDKA-DT; and (3) a specific plan outlining how WDKA will use the extension of time to further the construction of WDKA-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Paul T. Lucci  
WBKA Acquisition Corp.  
200 College Place  
Suite 118  
Norfolk, Virginia 23510

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting of Indiana, Inc.  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of WCLJ-DT,  
Bloomington, Indiana  
Facility ID No. 68007  
File No. BEPCDT-20020304AGQ

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WCLJ-DT, Bloomington, Indiana.

On March 2, 2001, Trinity Broadcasting of Indiana, Inc. (Trinity) received a permit to construct digital facilities on station WCLJ-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve

the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of WCLJ-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting of Indiana, Inc.  
P. O. Box 1057  
Richmond, Indiana 47274

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Trinity Broadcasting Network  
c/o Colby M. May, Esq.  
Law Offices of Colby M. May  
205 Third Street, S.E.  
Washington, D.C. 20003

Re: Request for Extension of Time to Construct  
Digital Facilities of WBUY-DT,  
Holly Springs, Mississippi  
Facility ID No. 60830  
File No. BEPCDT-20020304ADQ

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WBUY-DT, Holly Springs, Mississippi.

On March 7, 2001, Trinity Broadcasting Network (Trinity) received a permit to construct digital facilities on station WBUY-DT. In its FCC Form 337, Trinity asserts that it has been unable to construct DTV facilities for technical and other reasons. In support of its extension request, Trinity states that:

Coordination of the transition to digital has been extremely difficult and final equipment orders are just now being evaluated for placement with delivery to follow. Moreover, in an effort to initiate DTV service as soon as possible, focus has been on completing STA facilities based on the Commission's determination that full allocation protection for UHF facilities would be maintained beyond May 1, 2002.

Trinity does not provide a date by which it anticipates construction will be undertaken or completed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve

the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Trinity's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Trinity has failed to justify an extension in this case. However, Trinity will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how it will use the extension time to further the construction of WBUY-DT; and (2) the date upon which it anticipates that construction will be complete.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Terrence M. Hickey  
Trinity Broadcasting Network  
P. O. Box C-11949  
Santa Ana, California 92711

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

Nexstar Broadcasting of Northeastern  
Pennsylvania, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Construct Digital Facilities of WBRE-DT,  
Wilkes-Barre, Pennsylvania  
Facility ID No. 71225  
File No. BEPCDT-20020304AIC

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WBRE-DT, Wilkes-Barre, Pennsylvania.

On September 18, 2001, Nexstar Broadcasting of Northeastern Pennsylvania, LLC (Nexstar) received a permit to construct digital facilities on station WBRE-DT. According to the FCC Form 337 filed by Nexstar, it has been unable to construct DTV facilities for financial reasons. In support, Nexstar submits proprietary financial information pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until November 1, 2002 to construct WBRE's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Nexstar describe its earlier efforts to meet the deadline, including efforts to obtain the requisite financing sufficiently prior to the original May 1, 2002 DTV construction deadline, so as to permit timely construction, and why those efforts were unsuccessful. We also request submission of a specific plan outlining how Nexstar will use the extension of time to further the construction of WBRE-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Perry Sook  
Nexstar Broadcasting of Northeastern  
Pennsylvania, Inc.  
200 Abington Executive Park  
Suite 201  
Clarks Summit, Pennsylvania 18411

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

WBDC Broadcasting, Inc.  
c/o Thomas P. Van Wazer, Esq.  
1501 K Street, N.W.  
Washington, D.C. 20005

Re: Request for Extension of Time to Construct  
Digital Facilities of WBDC-DT,  
Washington, D.C.  
Facility ID No. 30576  
File No. BEPCDT-20020304ADC

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WBDC-DT, Washington, D.C.

On March 26, 2001, WBDC Broadcasting, Inc. (WBDC Broadcasting) received a permit to construct digital facilities on station KQOK-DT. In its FCC Form 337, WBDC Broadcasting states that it has been unable to construct DTV facilities for technical reasons, because the D.C. government revoked a previously issued permit authorizing American Tower Company to construct the 756-foot tower in Northwest Washington proposed as the site of WBDC's digital facilities. According to WBDC Broadcasting, it "decided to postpone a search for an alternative location until American Tower was able to prosecute a legal challenge to the district's action," but that after an unfavorable ruling against American Tower in U.S. District Court, WBDC Broadcasting began evaluating other locations for its DVT facilities, and is "currently negotiating with the D.C. government, its current NTSC landlord, to allow the addition of its DTV antenna and transmitter to its existing site."

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WBDC Broadcasting's extension request showing is incomplete and request additional information at this time. Specifically, we request that WBDC Broadcasting provide information regarding: (1) the status of its tower space negotiations with the D.C. government, including when said negotiations took place, and a firm date by which negotiations will be completed; (2) WBDC Broadcasting's search for alternative sites; (3) a specific plan outlining how it will use the extension time to further the construction of WBDC-DT; and (3) the date upon which it anticipates that construction will be complete.

Please file the requested information in an amendment to the previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: WBDC Broadcasting, Inc.  
2121 Wisconsin Avenue, N.W.  
Suite 350  
Washington, D.C. 20007



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

1800E3-JLB

WYDC, Inc.  
c/o Elizabeth Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to  
Construct Digital Facilities of WYDC-DT,  
Corning, New York  
Facility ID No. 62219  
File No. BEPCDT-20020301AGV

Dear Permittee:

This letter is with respect to the above-referenced request for extension of time to construct digital facilities for station WYDC-DT, Corning, New York.

On November 5, 2001, WYDC, Inc. (WYDC) received a permit to construct digital facilities on station WYDC-DT. According to the FCC Form 337 filed by WYDC, it has been unable to construct DTV facilities for technical and financial reasons. In support, WYDC submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules. WYDC also represents that it is unable to construct its DTV facility until the Commission acts on a modification application to move WYDC's analog facility, in order to make room on the tower for its DTV equipment.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the *Fifth Report and Order*, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611 (2001).

qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that WYDC provide: (1) audited financial statements which demonstrate WYDC's financial condition over an economically significant period of time; (2) documentary evidence of WYDC's previous inability to raise capital for constructing its DTV facilities, such as affidavits from lenders or other financial institutions; (3) a detailed estimate of when the company's financial condition would permit purchase and installation of the necessary equipment; and (4) a specific plan outlining how WYDC will use the extension of time to further the construction of WYDC-DT.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: William Christian  
WYDC, Inc.  
33 East Market Street  
Corning, New York 14830

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<sup>3</sup> *Id.* at 20611-20612.



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

VHR Lubbock License, Inc.  
c/o Harry C. Martin, Esq.  
Fletcher, Heald & Hildreth, P.L.C  
11<sup>th</sup> Floor, 1300 North 17<sup>th</sup> Street  
Arlington, Virginia 22209-3801

Re: Request for Extension of Time to Construct  
Digital Facilities  
KAMC-DT, Lubbock, TX  
File No. BEPCDT-20020304AIQ  
Facility ID No. 40820

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of VHR Lubbock License, Inc. (VHR Lubbock), licensee of KAMC(TV), Lubbock, Texas. VHR Lubbock certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether VHR Lubbock's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate VHR Lubbock's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of VHR Lubbock's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when VHR Lubbock's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: VHR Lubbock License, Inc.  
c/o Cathy Viola, Chief Financial Officer  
9420 Berkshire Court  
Brentwood, TN 37027

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Monroe Broadcasting, Inc.  
c/o Anne Goodwin Grump, Esq.  
Fletcher, Heald & Hildreth, P.L.C  
11<sup>th</sup> Floor, 1300 North 17<sup>th</sup> Street  
Arlington, Virginia 22209-3801

Re: Request for Extension of Time to Construct  
Digital Facilities  
KAQY-DT, Columbia, LA  
File No. BEPCDT-20020301AHR  
Facility ID No. 52046

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Monroe Broadcasting, Inc. (Monroe), licensee of KAQY(TV), Columbia, Louisiana. Monroe certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Monroe's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Monroe's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Monroe's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Monroe's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Monroe Broadcasting, Inc.  
c/o Paul J. Azar, President  
P. O. Box 2738  
Monroe, LA 71207

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

The Allen Broadcasting Corp., dba KBFD TV  
c/o Jeff Chung, General Manager  
1188 Bishop Street  
Suite PH.1  
Honolulu, HI 96813

Re: Request for Extension of Time to Construct  
Digital Facilities  
KBFD-DT, Honolulu, HI  
File No. BEPCDT-20020304AIY  
Facility ID No. 65395

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of The Allen Broadcasting Corp., dba KBFD TV (Allen), licensee of KBFD(TV), Honolulu, Hawaii. Allen certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Allen's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Allen's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Allen's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Allen's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

KBJR License, Inc.  
c/o Granite Broadcasting Corporation  
Lawrence I. Wills, Vice President  
767 Third Avenue, 34<sup>th</sup> Floor  
New York, NY 10017

Re: Request for Extension of Time to Construct  
Digital Facilities  
KBJR-DT, Superior, WI  
File No. BEPCDT-20020304AHE  
Facility ID No. 33658

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of KBJR License, Inc. (KBJR), licensee of KBJR-TV, Superior, Wisconsin. KBJR certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether KBJR's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate KBJR's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of KBJR's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when KBJR's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Tom W. Davidson, Esq.  
Akin Gump Strauss Hauer & Feld, L.L.P.  
1676 International Drive  
Penthouse  
McLean, VA 22102

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Son Broadcasting, Inc.  
c/o Stephen M. Clark, Esq.  
Gammon & Grange, P.C.  
Seventh Floor  
8280 Greensboro Drive  
McLean, VA 22102-3807

Re: Request for Extension of Time to Construct  
Digital Facilities  
KCHF-DT, Santa Fe, New Mexico  
File No. BEPCDT-20020301AHV  
Facility ID No. 60793

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Son Broadcasting, Inc. (Son), licensee of KCHF(TV), Santa Fe, New Mexico. Son certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Son's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Son's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Son's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Son's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Son Broadcasting, Inc.  
c/o Belarmino R. Gonzalez, President  
P. O. Box 4338  
Albuquerque, NM 87196

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

KETK Licensee, L.P.  
c/o Kathryn R. Schmeltzer, Esq.  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037-1128

Re: Request for Extension of Time to Construct  
Digital Facilities  
KETK-DT, Jacksonville, TX  
File No. BEPCDT-20020301AHE  
Facility ID No. 55643

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of KETK Licensee, L.P. (KETK), licensee of KETK-TV, Jacksonville, Texas. KETK certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that KETK provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether KETK's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate KETK's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of KETK's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when KETK's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Greater Nebraska Television, Inc.  
c/o Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
11<sup>th</sup> Floor  
1300 North 17<sup>th</sup> Street  
Arlington, VA 22209-3801

Re: Request for Extension of Time to Construct  
Digital Facilities  
KHAS-DT, Hastings, NE  
File No. BEPCDT-20020228AGL  
Facility ID No. 48003

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Greater Nebraska Television, Inc. (GNT), licensee of KHAS-TV, Hastings, Nebraska. GNT certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether GNT's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate GNT's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of GNT's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when GNT's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Greater Nebraska Television, Inc.  
c/o Ulysses A. Carlini, Vice President  
P. O. Box 578  
Hastings, NE 68902

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 2, 2002

Sage Broadcasting Corporation  
c/o Jerold L. Jacobs, Esq.  
Cohn and Marks LLP  
Suite 300  
1920 N Street, N.W.  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to Construct  
Digital Facilities  
KIDY-DT, San Angelo, TX  
File No. BEPCDT-20020304AHX  
Facility ID No. 58560

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Sage Broadcasting Corporation (Sage), licensee of KIDY(TV), San Angelo, Texas. Sage certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Sage's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Sage's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Sage's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Sage's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Sage Broadcasting Corporation  
c/o Bill Carter, President  
406 South Irving  
San Angelo, TX 76901

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

KHSL, Inc.  
c/o Kenneth E. Satten, Esq.  
Wilkinson Barker Knauer, LLP  
Suite 700  
2300 N Street, NW  
Washington, D.C. 20037

Re: Request for Extension of Time to Construct  
Digital Facilities  
KIKU-DT, Honolulu, HI  
File No. BEPCDT-20020304ADR  
Facility ID No. 34527

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of KHLS, Inc. (KHLS), licensee of KIKU(TV), Honolulu, Hawaii. KHLS certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether KHLS's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate KHLS's financial condition over an economically significant period of time.<sup>4</sup> Additionally, we request a detailed estimate of when KHLS's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: KHSL, Inc.  
c/o Jon Yasuda, President  
1990 S. Bundy Drive  
Suite 850  
Los Angeles, CA

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Eagle III Broadcasting, LLC  
c/o Barry D. Wood, Esq.  
Wood, Maines & Brown  
1827 Jefferson Place, N.W.  
Washington, D.C. 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
KKCO-DT, Grand Junction, CO  
File No. BEPCDT-20020228AGB  
Facility ID No. 24766

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Eagle III Broadcasting (Eagle), licensee of KKCO(TV), Grand Junction, Colorado. Eagle certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Eagle's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Eagle's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Eagle's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Eagle's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Eagle III Broadcasting, LLC  
c/o William R. Varecha, Manager  
2325 Interstate Avenue  
Grand Junction, CO 81505-8620

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Pollack/Belz Communications Company, Inc.  
c/o Paul H. Brown, Esq.  
Wood, Maines & Brown  
1827 Jefferson Place N.W.  
Washington, D.C. 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
KLAX-DT, Alexandria, LA  
File No. BEPCDT-20020228AFX  
Facility ID No. 62907

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Pollack/Belz Communications Company, Inc. (Pollack), licensee of KLAX-TV, Alexandria, Louisiana. Pollack certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Pollack's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Pollack's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Pollack's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Pollack's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Pollack/Belz Communications Company, Inc.  
c/o William H. Pollack, Executive Vice President  
6655 Poplar Avenue  
Suite 200  
Germantown, TN 38138

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

KLSB Acquisition Corp.  
c/o William M. Barnard, Esq.  
Smithwick & Belendiuk, P.C.  
5028 Wisconsin Avenue, N.W.  
Suite 301  
Washington, D.C. 20016

Re: Request for Extension of Time to Construct  
Digital Facilities  
KLSB-DT, Nacogdoches, TX  
File No. BEPCDT-20020301AKK  
Facility ID No. 55644

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of KLSB Acquisition Corp. (KLSB), licensee of KLSB-TV, Nacogdoches, Texas. KLSB certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that KLSB provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether KLSB's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate KLSB's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of KLSB's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when KLSB's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: KLSB Acquisition Corp.  
c/o Paul T. Lucci, President  
200 College Place, #118  
Norfolk, VA 23510

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Broadcasting Licenses, Limited Partnership  
c/o John D. Poutasse, Esq.  
Leventhal, Senter & Lerman, P.L.L.C.  
Suite 600  
2000 K Street, N.W.  
Washington, D.C. 20006-1809

Re: Request for Extension of Time to Construct  
Digital Facilities  
KMVU-DT, Medford, OR  
File No. BEPCDT-20020301AKE  
Facility ID No. 32958

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Broadcasting Licenses, Limited Partnership (BLLP), licensee of KMVU(TV), Medford, Oregon. BLLP certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether BLLP's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate BLLP's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of BLLP's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when BLLP's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Broadcasting Licenses, Limited Partnership  
c/o Northwest Broadcasting, Inc.  
Brian W. Brady, President  
2193 Association Drive, Suite 300  
Okemos, MI 48864

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Greater Nebraska Television, Inc.  
c/o Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
11<sup>th</sup> Floor  
1300 North 17<sup>th</sup> Street  
Arlington, VA 22209-3801

Re: Request for Extension of Time to Construct  
Digital Facilities  
KNOP-DT, North Platte, NE  
File No. BEPCDT-20020228AGM  
Facility ID No. 49273

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Greater Nebraska Television, Inc. (GNT), licensee of KNOP-TV, North Platte, Nebraska. GNT certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that GNT provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether GNT's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate GNT's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of GNT's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when GNT's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Greater Nebraska Television, Inc.  
c/o Ulysses A. Carlini, Vice President  
P. O. Box 578  
Hastings, NE 68902

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

GOCOM of Joplin License Sub, LLC  
c/o Joseph M. Di Scipio, Esq.  
Cohn and Marks LLP  
Suite 300  
1920 N Street, NW  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to Construct  
Digital Facilities  
KODE-DT, Joplin, MO  
File No. BEPCDT-20020228AFT  
Facility ID No. 18283

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of GOCOM of Joplin License Sub, LLC (GOCOM), licensee of KODE-TV, Joplin, Missouri. GOCOM certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that GOCOM provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether GOCOM's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate GOCOM's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of GOCOM's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when GOCOM's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: GOCOM of Joplin License Sub, LLC  
c/o Paul Brissette, President  
7621 Little Avenue  
Suite 506  
Charlotte, NC 28226

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

J.D.G. Television, Inc.  
c/o Marvin Rosenberg, Esq.  
Holland & Knight LLP  
2099 Pennsylvania Avenue, N.W.  
Suite 100  
Washington, D.C. 20006-6801

Re: Request for Extension of Time to Construct  
Digital Facilities  
KPOM-DT, Fort Smith, AR  
File No. BEPCDT-20020227ADM  
Facility ID No. 29560

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of J.D.G. Television, Inc. (JDG), licensee of KPOM-TV, Fort Smith, Arkansas. JDG certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether JDG's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate JDG's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of JDG's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when JDG's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: J.D.G. Television, Inc.  
c/o David W. Needham, Vice President  
P. O. Box 4610  
Fort Smith, AR 72914

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

KSEE License, Inc.  
c/o Granite Broadcasting Corporation  
Lawrence I. Wills, Vice President  
767 Third Avenue, 34<sup>th</sup> Floor  
New York, NY 10017

Re: Request for Extension of Time to Construct  
Digital Facilities  
KSEE-DT, Fresno, CA  
File No. BEPCDT-20020304AHF  
Facility ID No. 35594

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of KSEE License, Inc. (KSEE), licensee of KSEE-TV, Fresno, California. KSEE certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether KSEE's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate KSEE's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of KSEE's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when KSEE's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Tom W. Davidson, Esq.  
Akin Gump Strauss Hauer & Feld, L.L.P.  
1676 International Drive  
Penthouse  
McLean, VA 22102

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

Spring License, L.L.C.  
c/o Joseph M. Di Scipio, Esq.  
Cohn and Marks LLP  
Suite 300  
1920 N Street, NW  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to Construct  
Digital Facilities  
KSPR-DT, Springfield, MO  
File No. BEPCDT-20020228AFP  
Facility ID No. 35630

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Spring License, L.L.C. (Spring), licensee of KSPR(TV), Springfield, Missouri. Spring certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Spring provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Spring's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Spring's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Spring's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Spring's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Spring License, L.L.C.  
c/o Paul Brissette, President  
7621 Little Avenue  
Suite 506  
Charlotte, NC 28226

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

GOCOM of Anchorage License Sub, LLC  
c/o Joseph M. Di Scipio, Esq.  
Cohn and Marks LLP  
Suite 300  
1920 N Street, NW  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to Construct  
Digital Facilities  
KTBY-DT, Anchorage, AK  
File No. BEPCDT-20020228AFZ  
Facility ID No. 35655

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of GOCOM of Anchorage License Sub, LLC (GOCOM), licensee of KTBY(TV), Anchorage, Alaska. GOCOM certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that GOCOM provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether GOCOM's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate GOCOM's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of GOCOM's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when GOCOM's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: GOCOM of Anchorage License Sub, LLC  
c/o Paul Brissette, President  
7621 Little Avenue  
Suite 506  
Charlotte, NC 28226

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Sunbelt Multimedia Co.  
c/o Paul H. Brown, Esq.  
Wood, Maines & Brown  
1827 Jefferson Place N.W.  
Washington, D.C. 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
KTLM-DT, Rio Grande City, Texas  
File No. BEPCDT-20020228AFY  
Facility ID No. 62354

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Sunbelt Multimedia Co. (Sunbelt), licensee of KTLM-TV, Rio Grande City, Texas. Sunbelt certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Sunbelt's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Sunbelt's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Sunbelt's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Sunbelt's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Sunbelt Multimedia Co.  
c/o Sam F. Vale, President  
P. O. Box 156  
Rio Grande City, TX 78582

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

KYUS Broadcasting Corp.  
c/o Dan Frenzel, Vice President  
210 S Douglas  
Glendive, MT 59330

Re: Request for Extension of Time to Construct  
Digital Facilities  
KYUS-DT, Miles City, MT  
File No. BEPCDT-20020306ABN  
Facility ID No. 5237

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of KYUS Broadcasting Corp. (KBC) licensee of KYUS-TV, Miles City, Montana. KBC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that KBC provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether KBC's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate KBC's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of KBC's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when KBC's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

GOCOM of Huntsville License Sub, LLC  
c/o Joseph M. Di Scipio, Esq.  
Cohn and Marks LLP  
Suite 300  
1920 N Street, NW  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to Construct  
Digital Facilities  
WAAY-DT, Huntsville, AL  
File No. BEPCDT-20020228AFO  
Facility ID No. 57292

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of GOCOM of Huntsville License Sub, LLC (GOCOM), licensee of WAAY-TV, Huntsville, Alabama. GOCOM certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that GOCOM provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether GOCOM's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate GOCOM's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of GOCOM's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when GOCOM's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: GOCOM of Huntsville License Sub, LLC  
c/o Paul Brissette, President  
7621 Little Avenue  
Suite 506  
Charlotte, NC 28226

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 2, 2002

Mississippi Broadcasting Partners  
c/o M. Anne Swanson, Esq.  
Dow, Lohnes & Albertson, PLLC  
Suite 800  
1200 New Hampshire Avenue, N.W.  
Washington, D.C. 20036-6802

Re: Request for Extension of Time to Construct  
Digital Facilities  
WABG-DT, Greenwood, MS  
File No. BEPCDT-20020228AEX  
Facility ID No. 43203

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Mississippi Broadcasting Partners (Mississippi), licensee of WABG-TV, Greenwood, Mississippi. Mississippi certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Mississippi's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Mississippi's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Mississippi's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Mississippi's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Mississippi Broadcasting Partners  
c/o Beverly B. Poston, Executive Vice President  
2001 Garrard Avenue  
Greenwood, MS 38930

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Alabama Broadcasting Partners  
c/o M. Anne Swanson, Esq.  
Dow, Lohnes & Albertson, PLLC  
Suite 800  
1200 New Hampshire Avenue, N.W.  
Washington, D.C. 20036-6802

Re: Request for Extension of Time to Construct  
Digital Facilities  
WAKA-DT, Selma, AL  
File No. BEPCDT-20020228AFH  
Facility ID No. 701

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Alabama Broadcasting Partners (Alabama), licensee of WAKA(TV), Selma, Alabama. Alabama certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Alabama's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Alabama's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Alabama's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Alabama's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Alabama Broadcasting Partners  
c/o Beverly B. Poston, Executive Vice President  
3020 Eastern Boulevard  
Montgomery, AL 36123

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Palm Television, L.P.  
c/o Nathaniel J. Hardy, Esq.  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island, Avenue, N.W.  
Suite 200  
Washington, D.C. 20036-3101

Re: Request for Extension of Time to Construct  
Digital Facilities  
WATM-DT, Altoona, PA  
File No. BEPCDT-20020304AIF  
Facility ID No. 20287

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Palm Television, L.P. (Palm), licensee of WATM-TV, Altoona, Pennsylvania. Palm certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Palm's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Palm's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Palm's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Palm's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Palm Television, L.P.  
c/o Gregory Filandrinis, President  
The Weiss Group  
940 West Port Plaza, Suite 210  
St. Louis, MO 63146

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 2, 2002

Indiana Broadcasting Partners  
c/o M. Anne Swanson, Esq.  
Dow, Lohnes & Albertson, PLLC  
Suite 800  
1200 New Hampshire Avenue, N.W.  
Washington, D.C. 20036-6802

Re: Request for Extension of Time to Construct  
Digital Facilities  
WBAK-DT, Terre Haute, IN  
File No. BEPCDT-20020228AFF  
Facility ID No. 65247

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Indiana Broadcasting Partners (Indiana), licensee of WBAK-TV, Terre Haute, Indiana. Indiana certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Indiana's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Indiana's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Indiana's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Indiana's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Indiana Broadcasting Partners  
c/o Beverly B. Poston, Executive Vice President  
P. O. Box 719  
Terre Haute, IN 47808

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 2, 2002

Tennessee Broadcasting Partners  
c/o M. Anne Swanson, Esq.  
Dow, Lohnes & Albertson, PLLC  
Suite 800  
1200 New Hampshire Avenue, N.W.  
Washington, D.C. 20036-6802

Re: Request for Extension of Time to Construct  
Digital Facilities  
WBBJ-DT, Jackson, TN  
File No. BEPCDT-20020228AEW  
Facility ID No. 65204

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Tennessee Broadcasting Partners (Tennessee), licensee of WBBJ-TV, Jackson, Tennessee. Tennessee certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Tennessee's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Tennessee's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Tennessee's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Tennessee's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Tennessee Broadcasting Partners  
c/o Beverly B. Poston, Executive Vice President  
346 Muse Street  
Jackson, TN 38302

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 2, 2002

Urbana-Champaign Broadcasting Partners  
c/o M. Anne Swanson, Esq.  
Dow, Lohnes & Albertson, PLLC  
Suite 800  
1200 New Hampshire Avenue, N.W.  
Washington, D.C. 20036-6802

Re: Request for Extension of Time to Construct  
Digital Facilities  
WCCU-DT, Urbana, IL  
File No. BEPCDT-20020228AFG  
Facility ID No. 69544

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Urbana-Champaign Broadcasting Partners (Urbana), licensee of WCCU(TV), Urbana, Illinois. Urbana certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Urbana's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Urbana's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Urbana's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Urbana's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Urbana-Champaign Broadcasting Partners  
c/o Beverly B. Poston, Executive Vice President  
712 Killarney Street  
Urbana, IL 61801

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Woods Communications Corporation  
c/o Aaron P. Shainis, Esq.  
Shainis & Peltzman, Chartered  
Suite 240  
1850 M Street, NW  
Washington, D.C. 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
WCOV-DT, Montgomery, AL  
File No. BEPCDT-20020301ALF  
Facility ID No. 73642

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Woods Communications Corporation (WCC), licensee of WCOV(TV), Montgomery, Alabama. WCC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether WCC's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate WCC's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of WCC's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when WCC's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Woods Communications Corporation  
c/o David Woods, President  
1 WCOV Avenue  
Montgomery, AL 36111

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Independence Television Company, Inc.  
c/o Scott S. Patrick, Esq.  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036-6802

Re: Request for Extension of Time to Construct  
Digital Facilities  
WDRB-DT, Louisville, KY  
File No. BEPCDT-20020304AIH  
Facility ID No. 28476

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Independence Television Company, Inc. (ITC), licensee of WDRB(TV), Louisville, Kentucky. ITC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether ITC's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate ITC's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of ITC's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when ITC's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Independence Television Company, Inc.  
c/o Jack Ratterman, Vice President  
624 W. Muhammad Ali Boulevard  
Louisville, KY 40203

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

WEEK-TV License, Inc.  
c/o Granite Broadcasting Corporation  
Lawrence I. Wills, Vice President  
767 Third Avenue, 34<sup>th</sup> Floor  
New York, NY 10017

Re: Request for Extension of Time to Construct  
Digital Facilities  
WEEK-DT, Peoria, IL  
File No. BEPCDT-20020304AHG  
Facility ID No. 24801

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of WEEK-TV License, Inc. (WEEK), licensee of WEEK-TV, Peoria, Illinois. WEEK certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether WEEK's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate WEEK's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of WEEK's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when WEEK's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Tom W. Davidson, Esq.  
Akin Gump Strauss Hauer & Feld, L.L.P.  
1676 International Drive  
Penthouse  
McLean, VA 22102

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Smith Television of New York, Inc.  
c/o Jacqueline P. Cleary, Esq.  
Hogan & Hartson L.L.P.  
555 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-1109

Re: Request for Extension of Time to Construct  
Digital Facilities  
WETM-DT, Elmira, NY  
File No. BEPCDT-20020301AFS  
Facility ID No. 60653

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Smith Television of New York, Inc. (Smith), licensee of WETM-TV, Elmira, New York. Smith certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Smith provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Smith's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Smith's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Smith's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Smith's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Smith Television of New York, Inc  
c/o Margaret L. Williams, Assistant Secretary  
720 Second Avenue South  
St. Petersburg, FL 33701

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

GOCOM License, LLC  
c/o Joseph M. Di Scipio, Esq.  
Cohn and Marks LLP  
Suite 300  
1920 N Street, NW  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to Construct  
Digital Facilities  
WFXI-DT, Morehead City, NC  
File No. BEPCDT-20020228AFK  
Facility ID No. 37982

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of GOCOM License, LLC (GOCOM), licensee of WFXI(TV), Morehead City, North Carolina. GOCOM certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that GOCOM provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether GOCOM's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate GOCOM's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of GOCOM's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when GOCOM's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: GOCOM License, LLC  
c/o Paul Brissette, President  
7621 Little Avenue  
Suite 506  
Charlotte, NC 28226

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 2, 2002

Grant Broadcasting System II, Inc.  
c/o Kenneth E. Satten, Esq.  
Wilkinson Barker Knauer, LLP  
2300 N Street, NW  
Suite 700  
Washington, D.C. 20037

Re: Request for Extension of Time to Construct  
Digital Facilities  
WFXR-DT, Roanoke, VA  
File No. BEPCDT-20020304ADN  
Facility ID No. 24813

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Grant Broadcasting System II, Inc. (Grant), licensee of WFXR(TV), Roanoke, Virginia. Grant certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Grant's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Grant's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Grant's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Grant's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Grant Broadcasting System II, Inc.  
c/o Benjamin Klein, Assistant Secretary  
915 Middle River Drive  
Suite 409  
Fort Lauderdale, FL 33304

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

GOCOM-Macon License LLC  
c/o Joseph M. Di Scipio, Esq.  
Cohn and Marks LLP  
Suite 300  
1920 N Street, NW  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to Construct  
Digital Facilities  
WGXA-DT, Macon, GA  
File No. BEPCDT-20020228AFL  
Facility ID No. 58262

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of GOCOM-Macon License LLC (GOCOM), licensee of WGXA(TV), Macon, Georgia. GOCOM certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that GOCOM provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether GOCOM's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate GOCOM's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of GOCOM's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when GOCOM's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: GOCOM-Macon License LLC  
c/o Paul Brissette, President  
7621 Little Avenue  
Suite 506  
Charlotte, NC 28226

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Valley Television, LLC  
c/o Robert L. Galbreath, Esq.  
Powell, Goldstein, Frazer & Murphy LLP  
1001 Pennsylvania Avenue, N.W., 6<sup>th</sup> Floor  
Washington, D.C. 20004-2582

Re: Request for Extension of Time to Construct  
Digital Facilities  
WHDF-DT, Florence, AL  
File No. BEPCDT-20020304AKX  
Facility ID No. 65128

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Valley Television, LLC (Valley), licensee of WHDF(TV), Florence, Alabama. Valley certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Valley provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Valley's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Valley's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Valley's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Valley's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Valley Television, LLC  
c/o Gary D. Kmellor, CEO/GM  
840 Cypress Mill Road  
Florence, AL 35630

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

GOCOM of Savannah License Sub, LLC  
c/o Joseph M. Di Scipio, Esq.  
Cohn and Marks LLP  
Suite 300  
1920 N Street, NW  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to Construct  
Digital Facilities  
WJCL-DT, Savannah, GA  
File No. BEPCDT-20020228AFM  
Facility ID No. 37174

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of GOCOM of Savannah License Sub, LLC (GOCOM), licensee of WJCL(TV), Savannah, Georgia. GOCOM certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that GOCOM provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether GOCOM's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate GOCOM's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of GOCOM's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when GOCOM's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: GOCOM of Savannah License Sub, LLC  
c/o Paul Brissette, President  
7621 Little Avenue  
Suite 506  
Charlotte, NC 28226

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

QueenB Television, LLC.  
c/o Robert J. Rini, Esq.  
Manatt, Phelps & Phillips, L.L.P.  
1501 M Street, N.W., Suite 700  
Washington, DC 20005

Re: Request for Extension of Time to Construct  
Digital Facilities  
WKBT-DT, LaCrosse, WI  
File No. BEPCDT-20020304ACZ  
Facility ID No. 74424

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of QueenB Television, LLC (QueenB), licensee of WKBT(TV), LaCrosse, Wisconsin. QueenB certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether QueenB's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate QueenB's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of QueenB's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when QueenB's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: QueenB Television, LLC  
c/o David Sanks, Executive Vice President  
P. O. Box 1867  
LaCrosse, WI 54601

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

WKBW-TV License, Inc.  
c/o Granite Broadcasting Corporation  
Lawrence I. Wills, Vice President  
767 Third Avenue, 34<sup>th</sup> Floor  
New York, NY 10017

Re: Request for Extension of Time to Construct  
Digital Facilities  
WKBW-DT, Buffalo, NY  
File No. BEPCDT-20020304AHH  
Facility ID No. 54176

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of WKBW-TV License, Inc. (WKBW), licensee of WKBW-TV, Buffalo, New York. WKBW certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether WKBW's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate WKBW's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of WKBW's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when WKBW's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Tom W. Davidson, Esq.  
Akin Gump Strauss Hauer & Feld, L.L.P.  
1676 International Drive  
Penthouse  
McLean, VA 22102

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Capital Broadcasting Partners  
c/o M. Anne Swanson, Esq.  
Dow, Lohnes & Albertson, PLLC  
Suite 800  
1200 New Hampshire Avenue, N.W.  
Washington, D.C. 20036-6802

Re: Request for Extension of Time to Construct  
Digital Facilities  
WKFT-DT, Fayetteville, NC  
File No. BEPCDT-20020228AFI  
Facility ID No. 16517

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Capital Broadcasting Partners (Capital), licensee of WKFT(TV), Fayetteville, North Carolina. Capital certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Capital's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Capital's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Capital's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Capital's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Capital Broadcasting Partners  
c/o Beverly B. Poston, Executive Vice President  
One Television Place  
Charlotte, NC 27205

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 2, 2002

Corporation for General Trade  
c/o Melodie A. Virtue, Esq.  
Garvey, Schubert & Barer  
Fifth Floor  
1000 Potomac Street, N.W.  
Washington, D.C. 20007

Re: Request for Extension of Time to Construct  
Digital Facilities  
WKJG-DT, Fort Wayne, IN  
File No. BEPCDT-20020227AAB  
Facility ID No. 13960

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Corporation for General Trade (CGT), licensee of WKJG-TV, Fort Wayne, Indiana. CGT certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether CGT's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate CGT's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of CGT's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when CGT's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Corporation for General Trade  
c/o Joseph A. Cloutier, President  
2633 West State Boulevard  
Fort Wayne, IN 46808

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 2, 2002

Grant Media, Inc.  
c/o Kenneth E. Satten, Esq.  
Wilkinson Barker Knauer, LLP  
2300 N Street, NW  
Suite 700  
Washington, D.C. 20037

Re: Request for Extension of Time to Construct  
Digital Facilities  
WLAX-DT, Lacrosse, WI  
File No. BEPCDT-20020304ADM  
Facility ID No. 2710

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Grant Media, Inc. (GMI), licensee of WLAX(TV), Lacrosse, Wisconsin. Grant certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether GMI's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate GMI's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of GMI's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when GMI's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Grant Broadcasting System II, Inc.  
c/o Benjamin Klein, Assistant Secretary  
915 Middle River Drive  
Suite 409  
Fort Lauderdale, FL 33304

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Lima Communications Corporation  
c/o Scott S. Patrick, Esq.  
Dow, Lohnes & Albertson, PLLC  
Suite 800  
1200 New Hampshire Avenue, NW  
Washington, D.C. 20036-6802

Re: Request for Extension of Time to Construct  
Digital Facilities  
WLIO-DT, Lima, OH  
File No. BEPCDT-20020304AIJ  
Facility ID No. 37503

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Lima Communications Corporation (Lima), licensee of WLIO(TV), Lima, Ohio. Lima certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Lima's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Lima's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Lima's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Lima's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Lima Communications Corporation  
c/o Bruce Opperman, President  
1424 Rice Avenue  
Lima, OH 45805

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

South Carolina Broadcasting Partners  
c/o M. Anne Swanson, Esq.  
Dow, Lohnes & Albertson, PLLC  
Suite 800  
1200 New Hampshire Avenue, N.W.  
Washington, D.C. 20036-6802

Re: Request for Extension of Time to Construct  
Digital Facilities  
WOLO-DT, Columbia, SC  
File No. BEPCDT-20020228AFJ  
Facility ID No. 60963

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of South Carolina Broadcasting Partners (SCBP), licensee of WOLO-TV, Columbia, South Carolina. SCBP certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether SCBP's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate SCBP's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of SCBP's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when SCBP's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: South Carolina Broadcasting Partners  
c/o Beverly B. Poston, Executive Vice President  
5807 Shakespeare Road  
Columbia, SC 29223

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 2, 2002

Springfield Broadcasting Partners  
c/o M. Anne Swanson, Esq.  
Dow, Lohnes & Albertson, PLLC  
Suite 800  
1200 New Hampshire Avenue, N.W.  
Washington, D.C. 20036-6802

Re: Request for Extension of Time to Construct  
Digital Facilities  
WRSP-DT, Springfield, IL  
File No. BEPCDT-20020228AEY  
Facility ID No. 62009

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Springfield Broadcasting Partners (Springfield), licensee of WRSP-TV, Springfield, Illinois. Springfield certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Springfield's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Springfield's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Springfield's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Springfield's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Springfield Broadcasting Partners  
c/o Beverly B. Poston, Executive Vice President  
3003 Old Rochester Road  
Springfield, IL 62703

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

Media Venture Management, Inc.  
c/o Brian E. Cobb, President  
7927 Thomasville Road  
Tallahassee, FL 32312

Re: Request for Extension of Time to Construct  
Digital Facilities  
WTXL-DT, Tallahassee, FL  
File No. BEPCDT-20020304ACV  
Facility ID No. 41065

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Media Venture Management, Inc. (Media), licensee of WTXL-TV, Tallahassee, Florida. Media certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Media provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Media's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Media's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Media's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Media's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Lewis J. Paper, Esq.  
Dickstein Shapiro Morin & Oshinsky LLP  
2101 L Street, N.W.  
Washington, DC 20037-1562

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 29, 2002

Peak Media of Pennsylvania Licensee LLC  
c/o Scott S. Patrick, Esq.  
Dow, Lohnes & Albertson, PLLC  
Suite 800  
1200 New Hampshire Avenue, NW  
Washington, D.C. 20036-6802

Re: Request for Extension of Time to Construct  
Digital Facilities  
WWCP-DT, Johnstown, Pennsylvania  
File No. BEPCDT-20020228AFR  
Facility ID No. 20295

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of Peak Media of Pennsylvania Licensee LLC (Peak), licensee of WWCP-TV, Johnstown, Pennsylvania. Peak certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Peak's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Peak's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Peak's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Peak's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Peak Media of Pennsylvania Licensee LLC  
c/o Frank Quitoni, President  
1450 Scalp Avenue  
Johnstown, PA 15904

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

March 28, 2002

GOCOM License, LLC  
c/o Joseph M. Di Scipio, Esq.  
Cohn and Marks LLP  
Suite 300  
1920 N Street, NW  
Washington, D.C. 20036-1622

Re: Request for Extension of Time to Construct  
Digital Facilities  
WYDO-DT, Greenville, NC  
File No. BEPCDT-20020228AFE  
Facility ID No. 35582

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of GOCOM License, LLC (GOCOM), licensee of WYDO(TV), Greenville, North Carolina. GOCOM certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that GOCOM provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether GOCOM's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate GOCOM's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of GOCOM's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when GOCOM's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: GOCOM License, LLC  
c/o Paul Brissette, President  
7621 Little Avenue  
Suite 506  
Charlotte, NC 28226

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 1, 2002

ETC Communications Inc.  
c/o Les W. White, President  
P. O. Box 850  
Sheffield, AL 35660

Re: Request for Extension of Time to Construct  
Digital Facilities  
WLYE-DT, Florence, AL  
File No. BEPCDT-20020327ABJ  
Facility ID No. 6816

Dear Permittee:

This is with regard to the Application for Extension of Time to Construct a Digital Broadcast Station filed on behalf of ETC Communications Inc. (ETC), licensee of WYLE(TV), Florence, Alabama. ETC certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial difficulties.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant (1) must provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) must describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) must indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that ETC provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether ETC's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate ETC's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of ETC's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when ETC's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Centex Television Limited Partnership  
c/o David Oxenford, Esquire  
Shaw Pittman, LLP  
2300 N. Street, N.W.  
Washington, D.C. 20037

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KXXV-DT, Waco, Texas  
Facility ID No. 9781  
FCC File No. BEPCDT-20020301AJL

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On June 6, 2001, Centex Television Limited Partnership (Centex), the licensee of television station KXXV, received a permit to construct digital facilities on station KXXV-DT, Waco, Texas. According to the FCC Form 337 filed by Centex, it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, Centex asserts that it is in the process of reviewing a proposal that will allow it to utilize existing equipment and tower space already owned by the station to combine its analog and digital operations. Centex asserts this would eliminate the need to construct a new tower solely for KXXV-DT's digital operations. Centex further stated that it was in the process of negotiating the purchase of the necessary equipment to convert its digital facilities and that it would order the equipment within three weeks of its extension request.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Centex's extension request showing is incomplete and request additional information at this time. Specifically, we request that Centex advise us whether it has chosen to utilize its existing tower or is pursuing other alternatives. If it has chosen to pursue other alternatives, Centex should state what those alternatives are and how it intends to implement its ultimate choice. Centex should also provide an update on the status of its purchase of digital equipment, stating what equipment has been ordered, what remains to be ordered and what has

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

actually been delivered. We also seek information regarding: (1) the steps Centex has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of KXXV-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station KXXV-DT is constructed in a timely manner.

Please file the requested information in an amendment to Centex's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: Centex Television Limited Partnership  
P.O. Box 2522  
Waco, Texas 76702



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Telemundo of Steamboat Springs Colorado  
License Corporation  
c/o Kevin P. Latek, Esquire  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue, N.W.  
Washington, D.C. 20036

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KMAS-DT, Steamboat Springs, Colorado  
Facility ID No. 20373  
FCC File No. BEPCDT-20020304ABS

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On January 16, 2001, Telemundo of Steamboat Springs Colorado License Corporation (Telemundo) received a permit to construct digital facilities on station KMAS-DT, Steamboat Springs, Colorado. According to the FCC Form 337 filed by Telemundo, it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, Telemundo asserts that it is uncertain if weather conditions will permit it to be able to complete construction prior to May 1, 2002, due to uncertainties inherent in winter and spring construction in the Rocky Mountains. Telemundo asserts that it is actively engaged in construction of DTV facilities for KMAS-DT that comply with the Commission's requirements and requests a ninety-day extension of time to do so.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Telemundo's extension request showing is incomplete and request additional information at this time. Specifically, we request that Telemundo provide us with information on how much of the construction of KMAS-DT has been completed and what remains to be done. We also seek information regarding: (1) the steps Telemundo has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of KMAS-DT; and (3) the date upon which it anticipates that construction will

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station KMAS-DT is constructed in a timely manner.

Please file the requested information in an amendment to Telemundo's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

KCRA Hearst-Argyle Television, Inc.  
c/o Mark J. Prak, Esquire  
Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.  
P.O. Box 1800  
Raleigh, North Carolina 27602

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KQCA-DT, Stockton, California  
Facility ID No. 10242  
FCC File No. BEPCDT-20020304AKJ

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On November 11, 2000, KCRA Hearst-Argyle Television, Inc. (Hearst), the licensee of television station KQCA, received a permit to construct digital facilities on station KQCA-DT, Stockton, California. According to the FCC Form 337 filed by Hearst, it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, Hearst asserts that its construction permit contemplated the use of a tower owned by KQCA's operating company. Subsequently, KQCA learned that a third party tower company, Richland, had determined that it would not build a tower in proximity to the tower from which KQCA intended to broadcast its DTV signal and the operating company contacted Richland regarding the management of its tower. The parties have been negotiating a management agreement since August 2001. Under the terms of the agreement, Richland would be responsible for the modification of the tower to support DTV equipment.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Hearst's extension request showing is incomplete and request additional information at this time. Specifically, we request that Hearst provide updated information on the status of the tower modifications. We also ask Hearst to state what other tower sites, if any, it considered and why such sites were deemed unacceptable. Further, we ask Hearst to clarify whether the reference in its extension request refers to "KQCA's operating company" refers to a

<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

third party owner of KQCA's existing tower or to some other entity. We also seek information regarding: (1) the steps Hearst has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of KQCA-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station KQCA-DT is constructed in a timely manner.

Please file the requested information in an amendment to Hearst's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: KCRA Hearst-Argyle Television, Inc.  
P.O. Box 1800  
Raleigh, North Carolina 27602



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Hubbard Broadcasting, Inc.  
c/o Marvin Rosenberg, Esquire  
Holland & Knight  
2099 Pennsylvania Avenue, N.W., Suite 100  
Washington, DC 20006-6801

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KSTC-DT, Minneapolis, Minnesota  
Facility ID No. 35843  
FCC File No. BEPCDT-20020227AAD

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On March 10, 2000, Hubbard Broadcasting, Inc. (Hubbard) received a permit to construct digital facilities on station KSTC-DT, Minneapolis, Minnesota. According to the FCC Form 337 filed by Hubbard, it may be unable to complete construction of the facilities within the allotted time. Specifically, Hubbard states that it will operate as a tenant on the recently completed Telefarm North Tower Panel Antenna. Hubbard asserts that completion of the Telefarm North Tower Panel Antenna was delayed by three years and this delayed progress in constructing the KSTC-DT transmission line bridge and the KSTC-DT transmission site.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Hubbard's extension request showing is incomplete and request additional information at this time. Specifically, Hubbard should clarify whether the Telefarm North Tower Panel Antenna has now been completed and, if not, when completion is expected. Hubbard also should state how much of its DTV transmission facility has been completed and what remains to be finished. We also seek information regarding: (1) the steps Hubbard has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of KSTC-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station KSTC-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to Hubbard's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: Hubbard Broadcasting, Inc.  
Station KSTC-TV  
3415 University Avenue  
St. Paul, Minnesota 55114



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

KTNC License, LLC  
c/o Kathleen Victory, Esquire  
Fletcher, Heald & Hildreth  
1300 N. 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, Virginia 22209

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KTNC-DT, Concord, California, Facility ID No. 21533  
FCC File No. BEPCDT-20020301AFH

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On May 31, 2001, Pappas Concord Partners (Pappas), the former licensee of KTNC-TV, received a permit to construct digital facilities on station KTNC-DT, Concord, California. According to the FCC Form 337 filed by the current licensee KTNC License, LLC, it may be unable to complete construction of the facilities for legal and other reasons within the allotted time. Specifically, KTNC License asserts that Pappas was advised on March 21, 2001 that its pending DTV proposal could not be granted as it would have an "adverse impact on the future implementation of DTV in the United States" and required an amendment to the application. KTNC License states that it re-engineered its DTV application, changed its transmitter site and reduced its output power. KTNC License further states that KTNC-DT is limited to less power than a low power television station and that its signal does not replicate its NTSC coverage. KTNC License asserts that its DTV channel is out of the core and it is currently searching for an in-core channel and considering band-clearing options. Finally, KTNC License states that it is in negotiations for the tower site specified in the KTNC-DT construction permit, but that a lease has not been signed.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that KTNC License's extension request showing is incomplete and request additional information at this time. Specifically, we request that KTNC License provide us with detailed updated information its attempts to find a suitable in-core channel and on whether it is

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

planning to pursue band clearing options. KTNC License should also provide an update on the status of its tower lease negotiations and information on what alternative tower sites, if any, it has attempted to secure and why any such sites have been rejected. We also seek information regarding: (1) the steps KTNC License has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of KTNC-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station KTNC-DT is constructed in a timely manner.

Please file the requested information in an amendment to KTNC License's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: KTNC License, LLC  
500 S. Chinowth Road  
Visalia, California 93277



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Wyoming Channel 2, Inc.  
#1 Shackelford Drive, Suite 400  
Little Rock, Arkansas 72211

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KTWO-DT, Casper, Wyoming  
Facility ID No. 18286  
FCC File No. BEPCDT-20020301AAO

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On February 23, 2000, the licensee of television station KTWO received a permit to construct digital facilities on station KTWO-DT, Casper, Wyoming. According to the FCC Form 337 filed by licensee Wyoming Channel 2, Inc., (Wyoming) it may be unable to complete construction of the facilities for technical and legal reasons within the allotted time. Specifically, Wyoming asserts that, following its acquisition of the station, it discovered the previous licensee had entered into a digital antenna agreement with the site owner for a price that Wyoming characterizes as exorbitant. Wyoming further asserts that it is pursuing legal remedies concerning this agreement and is also looking for a replacement tower site. Wyoming has not yet located a new tower site.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Wyoming's extension request showing is incomplete and request additional information at this time. Specifically, we request that Wyoming provide us with information on what other alternative tower sites, if any, it has attempted to secure and why any such sites have been rejected. In light of Wyoming's contention that its existing tower lease terms are exorbitant, Wyoming should provide information on the rates for comparable leases in its area. We also seek information regarding: (1) the steps Wyoming has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of KTWO-DT; and (3) the date upon which it anticipates that construction will be complete. We believe

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

that this information will help us to determine whether grant of an extension will act to ensure that station KTWO-DT is constructed in a timely manner.

Please file the requested information in an amendment to Wyoming's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Polarcomm Corporation  
c/o Robert Goldstein  
P.O. Box 1471  
Evergreen, Colorado 80135

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KUBD-DT, Ketchikan, Alaska  
Facility ID No. 60520  
FCC File No. BEPCDT-20020228ACY

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On March 16, 2000, Polarcomm Corporation (Polarcomm) received a permit to construct digital facilities on station KUBD-DT, Ketchikan, Alaska. According to the FCC Form 337 filed by Polarcomm, it may be unable to complete construction of the facilities due to technical and legal reasons within the allotted time. Specifically, Polarcomm asserts that it faces "substantial geographical complications" and that it is in the process of making an offer to purchase a low power television station and obtaining the rights to that station's mountain tower site. Polarcomm states that it is planning to prepare an application to change the site of KUBD-DT to the mountain location.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Polarcomm's extension request showing is incomplete and request additional information at this time. Specifically, Polarcomm should explain what "substantial geographical complications" have delayed its construction. Polarcomm should also provide a detailed discussion of its proposal to purchase a low power television station in Ketchikan, including the status of its negotiations. This discussion should include whether Polarcomm has made a formal offer, whether such an offer has been accepted and whether and when it will be filing an application to assign the license of the station. It is unclear from Polarcomm's request whether it has ordered any digital television equipment at this time or whether it has been waiting for a resolution of its tower issues before doing so. Polarcomm should clarify the status

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

of its equipment orders and state what equipment, if any, it has ordered. It should also state when and if delivery of such equipment has been scheduled. In addition, Polarcomm should state whether it has had any engineering studies prepared that analyze the suitability of its proposed new tower site. Polarcomm should also discuss what other tower sites, if any, it has considered and why any such tower sites were deemed to be unacceptable. We also seek information regarding: (1) the steps Polarcomm has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of KUBD-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station KUBD-DT is constructed in a timely manner.

Please file the requested information in an amendment to Polarcomm's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: Polarcomm Corporation  
P.O. Box 348  
2539 North Highway 67  
Sedalia, Colorado 80135



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

African-American Broadcasting Company  
of Bellevue, Inc.  
c/o Harry F. Cole, Esquire  
Fletcher, Heald & Hildreth  
1300 N. 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, Virginia 22209

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KWOG-DT, Bellevue, Washington  
Facility ID No. 4624  
FCC File No. BEPCDT-20020228ACP

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On March 2, 2001, the licensee of television station KWOG received a permit to construct digital facilities on station KWOG-DT, Bellevue, Washington. According to the FCC Form 337 filed by licensee African-American Broadcasting Company of Bellevue, Inc. (AABCB) it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, AABCB asserts that at least one necessary piece of equipment has not yet been delivered and that delivery is not expected until after May 1, 2002.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that AABCB's extension request showing is incomplete and request additional information at this time. Specifically, we request that AABCB provide us with information regarding what equipment necessary for it to commence operations has been delivered, what equipment remains to be delivered and when delivery is expected. We also seek information regarding: (1) the steps AABCB has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of KWOG-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station KWOG-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to AABCB's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: African-American Broadcasting Company of Bellevue, Inc.  
18000 International Boulevard, Suite 601  
Seatac, Washington 98188



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Wyoming Channel 2, Inc.  
#1 Shackelford Drive, Suite 400  
Little Rock, Arkansas 72211

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KKTU-DT, Cheyenne, Wyoming  
Facility ID No. 18287  
FCC File No. BEPCDT-20020301AAN

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On November 6, 2000, the licensee of television station KKTU received a permit to construct digital facilities on station KKTU-DT, Cheyenne, Wyoming. According to the FCC Form 337 filed by licensee Wyoming Channel 2, Inc., (Wyoming) it may be unable to complete construction of the facilities for technical and legal reasons within the allotted time. Specifically, Wyoming asserts that, following its acquisition of the station, it discovered the previous licensee had entered into a digital antenna agreement with the site owner for a price that Wyoming characterizes as exorbitant. Wyoming further asserts that it is pursuing legal remedies concerning this agreement and is also looking for a replacement tower site. Wyoming has not yet located a new tower site.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Wyoming's extension request showing is incomplete and request additional information at this time. Specifically, we request that Wyoming provide us with information on what other alternative tower sites, if any, it has attempted to secure and why any such sites have been rejected. In light of Wyoming's contention that its existing tower lease terms are exorbitant, Wyoming should provide information on the rates for comparable leases in its area. We also seek information regarding: (1) the steps Wyoming has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of KKTU-DT; and (3) the date upon which it anticipates that construction will be complete. We believe

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

that this information will help us to determine whether grant of an extension will act to ensure that station KKTU-DT is constructed in a timely manner.

Please file the requested information in an amendment to Wyoming's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

WYZZ Licensee, Inc.  
c/o Kathryn R. Schmeltzer, Esquire  
Shaw Pittman, L.L.P.  
2300 N. Street, N.W.  
Washington, D.C. 20037

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WYZZ-DT, Bloomington, Illinois  
Facility ID No. 5875  
FCC File No. BEPCDT-20020301ALS

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On February 23, 2001, WYZZ Licensee, Inc. (WYZZ), the licensee of television station WYZZ, received a permit to construct digital facilities on station WYZZ-DT, Bloomington, Illinois. According to the FCC Form 337 filed by WYZZ, it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, WYZZ asserts that its current tower is not capable of supporting a DTV antenna system. WYZZ states that a third party, SpectraSite, Inc., has proposed a community tower to be constructed at the current WYZZ tower site. According to WYZZ, SpectraSite is in the final stages of project planning.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WYZZ's extension request showing is incomplete and request additional information at this time. Specifically, we request that WYZZ provide updated information on the status of the proposed new tower. We also ask WYZZ to state what other tower sites, if any, it considered and why such sites were deemed unacceptable. We also seek information regarding: (1) the steps WYZZ has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of WYZZ-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

will help us to determine whether grant of an extension will act to ensure that station WYZZ-DT is constructed in a timely manner.

Please file the requested information in an amendment to WYZZ's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

WAGT Television  
c/o F. William LeBeau, Esquire  
555 13<sup>th</sup> Street, N.W.  
Washington, DC 20004-1009

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WAGT-DT, Augusta, Georgia  
Facility ID No. 70699  
FCC File No. BEPCDT-20020301AAA

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On January 11, 2001, the Commission granted a permit to construct digital facilities on station WAGT-DT, Augusta, Georgia. According to the FCC Form 337 filed by the licensee, WAGT, Inc., it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, WAGT asserts that the addition of digital equipment to the existing tower specified in the permit and pending modification application will cause the tower no longer to be in compliance with the relevant technical standards and will risk adversely affecting WAGT(TV)'s analog service. WAGT states that it has negotiated and is finalizing an agreement with another licensee to construct a new tower on which both parties can locate their digital facilities. WAGT goes on to state that initial work has been begun on the new tower and that it expects to submit an amendment to its pending application to specify the new site.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WAGT's extension request showing is incomplete and request additional information at this time. Specifically, we request that WAGT provide us with an update on the negotiations for the agreement to construct its proposed tower and information on what alternative tower sites, if any, it has attempted to secure and why any such sites have been rejected. We also seek information regarding: (1) the steps WAGT has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

construction of WAGT-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WAGT-DT is constructed in a timely manner.

Please file the requested information in an amendment to WAGT License's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: WAGT Television, Inc.  
905 Broad Street  
Augusta, Georgia 30903



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Raycom America, Inc.  
c/o Jennifer A. Johnson, Esquire  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2401

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WECT-DT, Wilmington, North Carolina  
Facility ID No. 48666  
FCC File No. BEPCDT-20020228AAH

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On December 8, 1999, Raycom America, Inc. (Raycome) received a permit to construct digital facilities on station WECT-DT, Wilmington, North Carolina. According to the FCC Form 337 filed by Raycom, it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, Raycom asserts that it has been unable to locate a suitable tower site that will accommodate the DTV facilities of WECT-DT. Raycom has currently entered into an agreement to lease space from the University of North Carolina (UNC), a public television broadcaster, on a tower which UNC will be constructing. Raycom also plans to lease space in a new building that UNC will be constructing. Raycom asserts that UNC is currently accepting bids for these projects and estimates their completion within one year. Therefore, Raycom requests a six-month extension of its current construction deadline.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Raycom's extension request showing is incomplete and request additional information at this time. Specifically, we request that Raycom provide us with information on what other alternative tower sites, if any, that it has attempted to secure. We also seek information regarding: (1) the steps Raycom has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of WECT-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

information will help us to determine whether grant of an extension will act to ensure that station WECT-DT is constructed in a timely manner.

Please file the requested information in an amendment to Raycom's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: Raycom America, Inc.  
RSA Tower, 20<sup>th</sup> Floor  
201 Monroe Street  
Montgomery, Alabama 20004-2401



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

WEYS Television Corporation  
c/o Robert Goldstein  
P.O. Box 1471  
Evergreen, Colorado 80437

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WEYS-DT, Key West, Florida  
Facility ID No. 72053  
FCC File No. BEPCDT-20020228ACS

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On March 3, 2000, the licensee of television station WEYS received a permit to construct digital facilities on station WEYS-DT, Key West, Florida. According to the FCC Form 337 filed by licensee WEYS Television Corporation (WEYS) it may be unable to complete construction of the facilities for technical and legal reasons within the allotted time. Specifically, WEYS asserts that, following the filing of the application for WEYS-DT, the tower owner discovered that the tower would not be able to support the additional antenna required for digital broadcasting. WEYS goes on to assert that it is currently in the process of preparing to petition the Commission for a rulemaking to change WEYS-DT's channel in order to avoid man-made noise and long distance signal skip.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WEYS's extension request showing is incomplete and request additional information at this time. Specifically, we request that WEYS provide us with updated information regarding the status of its proposed petition for a channel change and whether alternative tower sites were considered. We also seek information regarding: (1) a specific plan outlining how it will use the extension time to further the construction of WEYS-DT; and (2) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WEYS-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to WEYS's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: WEYS Television Corporation  
P.O. Box 348  
Sedalia, Colorado 80135



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Northland Television, Inc.  
c/o Christopher L. Robbins, Esquire  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, DC 20006

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WJFW-DT, Rhinelander, Wisconsin  
Facility ID No. 49699  
FCC File No. BEPCDT-20020301ACK

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On May 12, 2000, Northland Television, Inc. (Northland) received a permit to construct digital facilities on station WJFW-DT, Rhinelander, Wisconsin. According to the FCC Form 337 filed by Northland, it may be unable to complete construction of the facilities due to technical reasons within the allotted time. Specifically, Northland asserts that it has encountered difficulties in finding a site suitable for DTV operation. Northland states that its original tower choice faces apparently insurmountable zoning restrictions. Northland goes on to state that it owns enough land at its studio site to construct a short, self-supporting tower, but that such a facility would only provide coverage to 25% of the Wausau-Rhinelander market. Therefore, Northland is endeavoring to find another suitable site.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Northland's extension request showing is incomplete and request additional information at this time. Specifically, Northland should provide an update on its attempts to find a suitable tower site. Northland should provide specific information on what other tower sites it has considered, if any, and why any such sites were found to be unsuitable. Northland should also clarify when it determined that its original choice for a tower site was not going to be usable. We also seek information regarding: (1) the steps Northland has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

construction of WJFW-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WJFW-DT is constructed in a timely manner.

Please file the requested information in an amendment to Northland's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: Northland Television, Inc.  
P.O. Box 858  
Rhineland, Wisconsin 54501



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Western Broadcasting Corporation of Puerto Rico, Inc.  
c/o Timothy J. Fitzgibbon, Esquire  
Carter, Ledyard & Milburn  
1401 Eye Street, N.W., Suite 300  
Washington, D.C. 20005

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WOLE-DT, Aquidilla, Puerto Rico  
Facility ID No. 71725  
FCC File No. BEPCDT-20020227ADU

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On August 20, 2001, Western Broadcasting Corporation of Puerto Rico, Inc. (Western), the licensee of television station WOLE, received a permit to construct digital facilities on station WOLE-DT, Aquidilla, Puerto Rico. According to the FCC Form 337 filed by Western, it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, Western asserts that a recent structural analysis of the tower indicates that the tower might possibly be at its maximum loading capacity and unable to support Western's DTV equipment. Western states that it is in the process of obtaining a structural analysis for the antenna and expects the results within 30 days of the date of its extension request.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Western's extension request showing is incomplete and request additional information at this time. Specifically, we request that Western provide us with the results of its structural analysis which, according to Western's request, should have been completed by now. We also ask that Western provide information on what other alternative tower sites, if any, it has attempted to secure and why any such sites have been rejected. We also seek information regarding: (1) the steps Western has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of WOLE-DT; and (3) the date

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WOLE-DT is constructed in a timely manner.

Please file the requested information in an amendment to Western's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: Western Broadcasting Corporation of Puerto Rico, Inc  
P.O. Box 1200  
Mayaguez, Puerto Rico 00681



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Grand Stand Communications  
1194 Atlantic Avenue  
Conway, South Carolina 29526

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WPDE-DT, Florence, South Carolina  
Facility ID No. 17012  
FCC File No. BEPCDT-20020226ABO

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On April 24, 2001, the licensee of WPDE-TV received a permit to construct digital facilities on station WPDE-DT, Florence, South Carolina. According to the FCC Form 337 filed by Grand Stand Communications (Grand Stand), it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, Grand Stand states that, due to manufacturer delays, its antenna and transmission line were not scheduled to be delivered until the end of February 2001. Also, it is unclear from Grand Stand's request for extension whether it has actually secured a transmitter site or whether it is still in the process of doing so.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Grand Stand's extension request showing is incomplete and request additional information at this time. Specifically, we request that Grand Stand provide an update on the status of its equipment delivery and clarify whether it has secured a tower site. Grand Stand should state how much of its facility is now complete. We also seek information regarding: (1) the steps Grand Stand has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of WPDE-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WPDE-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to Grand Stand's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Grand Stand Communications  
1194 Atlantic Avenue  
Conway, South Carolina 29526

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WPDE-DT, Florence, South Carolina  
Facility ID No. 17012  
FCC File No. BEPCDT-20020226ABO

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On April 24, 2001, the licensee of WPDE-TV received a permit to construct digital facilities on station WPDE-DT, Florence, South Carolina. According to the FCC Form 337 filed by Grand Stand Communications (Grand Stand), it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, Grand Stand states that, due to manufacturer delays, its antenna and transmission line were not scheduled to be delivered until the end of February 2001. Also, it is unclear from Grand Stand's request for extension whether it has actually secured a transmitter site or whether it is still in the process of doing so.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Grand Stand's extension request showing is incomplete and request additional information at this time. Specifically, we request that Grand Stand provide an update on the status of its equipment delivery and clarify whether it has secured a tower site. Grand Stand should state how much of its facility is now complete. We also seek information regarding: (1) the steps Grand Stand has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of WPDE-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WPDE-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to Grand Stand's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

SAH Acquisition Corporation II  
c/o Dorann Bunkin  
Wiley, Rein & Fielding, LLP  
1776 K Street, N.W.  
Washington, DC 20006

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WRAY-DT, Wilson, North Carolina  
Facility ID No. 10133  
FCC File No. BEPCDT-20020301ABY

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On August 30, 2001, SAH Acquisition Corporation II (SAH), received a permit to construct digital facilities on station WRAY-DT, Wilson, North Carolina. According to the FCC Form 337 filed by SAH, it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, SAH states that it is awaiting delivery of equipment, including its antenna, and is awaiting consent from its tower owner to mount the DTV equipment.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that SAH's extension request showing is incomplete and request additional information at this time. Specifically, we request that Grand Stand provide an update on the status of its equipment delivery and clarify whether it is awaiting delivery of any equipment other than its antenna. SAH should also provide an update on whether it has received the necessary consent from its tower owner for equipment installation and should state how much of its facility is now complete. We also seek information regarding: (1) the steps SAH has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of WRAY-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WRAY-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to SAH's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: SAH Acquisition Corporation II  
P.O. Box 305249  
Nashville, Tennessee 37230



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Wilmington Telecasters, Inc.  
c/o James A. Koerner  
Koerner & Olender, P.C.  
5809 Nicholson Lane  
North Bethesda, Maryland 20852-5706

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WSFX-DT, Wilmington, North Carolina  
Facility ID No. 72871  
FCC File No. BEPCDT-20020227ADS

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On January 11, 2001, Wilmington Telecasters, Inc. (Wilmington), the licensee of television station WSFX, received a permit to construct digital facilities on station WSFX-DT, Wilmington, North Carolina. According to the FCC Form 337 filed by Wilmington, it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, Wilmington asserts that it had originally joined with other Wilmington licensees in a partnership for a community tower. Wilmington states that negotiations with an outside party, SpectraSite, for construction of a new tower ultimately broke down. Wilmington goes on to say that the parties subsequently determined that the tower of another local licensee could be strengthened to support the antennas of several stations, including WSFX. According to Wilmington, structural studies for such modifications were ongoing at the time it filed its request.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Wilmington's extension request showing is incomplete and request additional information at this time. Specifically, we request that Wilmington provide updated information on the status of the proposed tower modifications. We also ask Wilmington to state what other tower sites, if any, it considered and why such sites were deemed unacceptable. We also seek information regarding: (1) the steps Wilmington has taken to mitigate its problems; (2)

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

a specific plan outlining how it will use the extension time to further the construction of WSFX-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WSFX-DT is constructed in a timely manner.

Please file the requested information in an amendment to Wilmington's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: Wilmington Telecasters, Inc.  
1926 Oleander Drive  
Wilmington, Delaware 28403



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

International Broadcasting Corporation  
c/o Jason S. Roberts, Esquire  
Irwin, Campbell & Tannewald, P.C.  
1730 Rhode Island Avenue, N.W., Suite 200  
Washington, D.C. 20036-3101

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WTCV-DT, San Juan, Puerto Rico  
Facility ID No. 29854  
FCC File No. BPCDT-2000501AFC

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On July 16, 2001, International Broadcasting Corporation ("IBC") received a permit to construct digital facilities on station WTCV-DT, San Juan, Puerto Rico. According to the FCC Form 337 filed by IBC, it has been unable to construct facilities for technical and legal reasons. Specifically, IBC asserts that it has had difficulty securing a suitable transmitter site, obtaining financing, ordering equipment, and constructing a minimal facility. IBC also states that an application to assign the license for station WTCV(TV) was granted on July 23, 2001, but has not yet been consummated (File No. BALCT-20010509AAQ). IBC states that it "did not expect to be the party constructing the WTCV digital facilities." Nevertheless, IBC asserts that it is committed to constructing station WTCV-DT and requests an extension of time to do so.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that IBC's extension request showing is incomplete and request additional information at this time. Specifically, we request that IBC provide us with information as to the reasons why consummation of WTCV(TV)'s sale has been delayed and whether that transaction will be completed. We also seek information regarding: (1) the reasons why IBC has had "difficulties" and been unable to construct; (2) the steps it has taken to mitigate its problems; (3) a specific plan outlining how it will use the extension time to further the construction of

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

WTCV-DT; and (4) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WTCV-DT is constructed in a timely manner.

Please file the requested information in an amendment to IBC's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Services Division  
Mass Media Bureau

cc: Pedro-Roman Collazo



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

WTXX, Inc.  
c/o Thomas Van Wazer, Esquire  
Sidley, Austin, Brown & Wood, LLP  
1501 K St., N.W.  
Washington, D.C. 20005

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WTXX-DT, Waterbury, Connecticut  
Facility ID No. 14050  
FCC File No. BEPCDT-20020304ABG

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On August 10, 2001, Tiberius Broadcasting, received a permit to construct digital facilities on station WTXX-DT, Waterbury, Connecticut. WTXX was acquired by WTXX, Inc., (WTXX) a wholly owned subsidiary of the Tribune Company in August 2001. According to the FCC Form 337 filed by WTXX, it may be unable to complete construction of the facilities for legal reasons within the allotted time. Specifically, WTXX asserts that its proposed DTV landlord has been unable to secure local zoning approval to construct the tower that would be used by WTXX in its underlying DTV construction permit. According to WTXX, the local zoning board in Farmington, where the proposed tower would be located, effectively has created and enforced a limit of two towers within its borders. WTXX's landlord, who already owns one tower in Farmington, has attempted to negotiate an ownership or leasing arrangement with the owner of the second tower. The landlord recently broke off those negotiations that WTXX describes as "fruitless." WTXX's landlord is proposing to accommodate additional users by strengthening its existing tower.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WTXX's extension request showing is incomplete and request additional information at this time. Specifically, we request that WTXX provide us with information on what other alternative tower sites, if any, that it has attempted to secure. WTXX should also

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

provide us with information on when the Farmington zoning board rejected the landlord's attempts to secure approval for the second tower and on when the landlord broke off negotiations with the second tower owner. We also seek information regarding: (1) the steps WTXX has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of WTXX-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WTXX-DT is constructed in a timely manner.

Please file the requested information in an amendment to WTXX's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: WTXX, Inc.  
One Corporate Center  
Hartford, CT 06103



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Virginia Broadcasting Corporation  
c/o Joseph M. Di Scipio, Esquire  
Cohn & Marks, LLP  
1920 N Street, N.W., suite 300  
Washington, DC 20036-1622

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WVIR-DT, Charlottesville, Virginia  
Facility ID No. 70309  
FCC File No. BEPCDT-20020228AAQ

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On March 7, 2001, Virginia Broadcasting Corporation (Virginia Broadcasting) received a permit to construct digital facilities on station WVIR-DT, Charlottesville, Virginia. According to the FCC Form 337 filed by Virginia Broadcasting, it may be unable to complete construction of the facilities due to technical and other reasons within the allotted time. Specifically, Virginia Broadcasting asserts that it is still in negotiations with its landlord on the terms for a lease under which it would build a new tower at the landlord's antenna farm. Virginia Broadcasting indicates that it will commence with tower construction and delivery, installation and testing of equipment following the conclusion of those negotiations. Virginia Broadcasting states that it is also considering operating WVIR-DT at less than maximum power so that it may use its existing tower. Finally, Virginia Broadcasting indicates that it is still in the process of converting its studio facilities to digital operation.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Virginia Broadcasting's extension request showing is incomplete and request additional information at this time. Specifically, Virginia Broadcasting should provide an update on its tower lease negotiations and on whether it has decided to build a new tower or operate at reduced power on its current tower. Virginia Broadcasting should provide information on what alternative tower sites it has considered, if any, and why any such sites were found to be

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

unsuitable. It is unclear from Virginia Broadcasting's request whether it has ordered any transmission equipment at this time or whether it has been waiting for a resolution of its tower issues before doing so. Virginia Broadcasting should clarify the status of its equipment orders and state what equipment, if any, it has ordered. It should also state when and if delivery of such equipment has been scheduled. In addition, Virginia Broadcasting should state how much of the process of converting its studio facilities to digital operation has been completed and how much remains to be done. We also seek information regarding: (1) the steps Virginia Broadcasting has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of WVIR-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WVIR-DT is constructed in a timely manner.

Please file the requested information in an amendment to Virginia Broadcasting's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: Virginia Broadcasting Corporation  
P.O. Box 769, 504 East Market Street  
Charlottesville, Virginia 22902



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Atlantic Media Group  
c/o Henry A. Solomon, Esquire  
Garvey, Schubert & Barer  
1000 Potomac St., N.W., 5<sup>th</sup> Floor  
Washington, D.C. 20007

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WWMB-DT, Florence, South Carolina  
Facility ID No. 3133  
FCC File No. BEPCDT-20020225ACH

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On June 1, 2001, Atlantic Media Group (Atlantic Media), received a permit to construct digital facilities on station WWMB-DT, Florence, South Carolina. According to the FCC Form 337 filed by Atlantic Media, it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, Atlantic Media asserts that it has commenced construction, has some equipment on hand and has ordered equipment that will probably be delivered in stages. Atlantic Media states that it is in the process of consolidating all control functions for WWMB(TV) and WWMB-DT at its antenna site and that this will require construction of a new building at the base of the tower. Atlantic further states that it is awaiting delivery of key equipment and cannot possibly complete construction by the May 1, 2002 deadline.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Atlantic Media's extension request showing is incomplete and request additional information at this time. Specifically, we request that Atlantic Media clarify how much of its facility, including the new building at the base of the tower, is complete. We also ask that Atlantic Media state which equipment it is waiting to be delivered and the approximate delivery dates of such equipment. We also seek information regarding: (1) the steps Atlantic Media has taken to mitigate its problems; (2) a specific plan outlining how it will use the

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

extension time to further the construction of WWMB-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WWMB-DT is constructed in a timely manner.

Please file the requested information in an amendment to Atlantic Media's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: Atlantic Media Group  
P.O. Box 736  
Myrtle Beach, SC 29577



Federal Communications Commission  
Washington, D.C. 20554

April 3, 2002

Associated Christian Television Systems, Inc.  
c/o James A. Koerner  
Koerner & Olender, P.C.  
5809 Nicholson Lane, Suite 214  
North Bethesda, Maryland 20852-5706

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WACX-DT, Leesburg, Virginia  
Facility ID No. 60018  
FCC File No. BEPCDT-20020227ADR

Dear Permittee:

This letter concerns the above-mentioned request for extension of time to construct digital facilities. On February 1, 2001, Associated Christian Television Systems, Inc. (Associated), the licensee of television station WACX, received a permit to construct digital facilities on station WACX-DT, Leesburg, Virginia. According to the FCC Form 337 filed by Associated, it may be unable to complete construction of the facilities for technical reasons within the allotted time. Specifically, Associated asserts that it has signed a contract for the installation of its DTV antenna, but that the vendor has not yet promised a delivery date.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Associated's extension request showing is incomplete and request additional information at this time. Specifically, we request that Associated provide updated information on the status of the delivery of its DTV antenna. We also ask Associated to clarify whether it is only waiting for delivery of its DTV antenna or whether it is also waiting for delivery of other necessary DTV equipment. It should set out what equipment has been ordered, what remains to be ordered and what has actually been delivered. We also seek information regarding: (1) the steps Associated has taken to mitigate its problems; (2) a specific plan outlining how it will use the extension time to further the construction of WACX-DT; and (3) the date upon which it anticipates that construction will be complete. We believe that this information will help us to

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

determine whether grant of an extension will act to ensure that station WACX-DT is constructed in a timely manner.

Please file the requested information in an amendment to Associated's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Office of Broadcast License Policy  
Media Bureau

cc: Associated Christian Television Systems, Inc.  
4520 Parkbreeze Court  
Orlando, Florida 32808



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

KADN-15, Inc.  
c/o Howard M. Weiss, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, Virginia 22209

Re: Request for Extension of Time to Construct  
Digital Facilities  
KADN-DT, Lafayette, Louisiana  
File No. BEPCDT-20020301AHT  
Facility ID No. 33261

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of KADN-15, Inc. (KADN), licensee of station KADN(TV), Lafayette, Louisiana. KADN certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether KADN's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate KADN's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of KADN's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when KADN's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: KADN-15, Inc.  
3501 Northwest Evangeline Thruway  
Carencro, Louisiana 70520

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Westwind Communications, LLC  
c/o Mark J. Prak, Esq.  
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP  
Post Office Box 1800  
Raleigh, North Carolina 27602

Re: Request for Extension of Time to Construct  
Digital Facilities  
KBAK-DT, Bakersfield, California  
File No. BEPCDT-20020304AII  
Facility ID No. 4148

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Westwind Communications, LLC (Westwind), licensee of station KBAK-TV, Bakersfield, California. Westwind certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, Westwind submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Westwind's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Westwind's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Westwind's inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Nexstar Broadcasting of Abilene, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, NW, Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities  
KTAB-DT, Abilene, Texas  
File No. BEPCDT-20020305ABI  
Facility ID No. 59988

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Nexstar Broadcasting of Abilene, LLC, (Nexstar), licensee of station KTAB-TV, Abilene, Texas. Nexstar certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, Nexstar submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Nexstar's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Nexstar's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Nexstar's inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Nexstar Broadcasting of Abilene, LLC  
200 Abington Executive Park, Suite 201  
Clarks Summit, Pennsylvania 18411

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

White Knight Broadcasting of Shreveport License Corp.  
c/o Michael W. Richards, Esq.  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037

Re: Request for Extension of Time to Construct  
Digital Facilities  
KSHV-DT, Shreveport, Louisiana  
File No. BEPCDT-20020228AFN  
Facility ID No. 73706

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of White Knight Broadcasting of Shreveport License Corp. (Knight), licensee of station KSHV(TV), Shreveport, Louisiana. Knight certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, Knight submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Knight provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Knight's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Knight's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Knight's inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: White Knight Broadcasting of Shreveport License Corp.  
700 St. John St., Suite 301  
Lafayette, Louisiana 70501

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

KOAT Hearst-Argyle Television, Inc.  
c/o Mark J. Prak, Esq.  
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP  
Post Office Box 1800  
Raleigh, North Carolina 27602

Re: Request for Extension of Time to Construct  
Digital Facilities  
KOVY-DT, Silver City, New Mexico  
File No. BEPCDT-20020304AKL  
Facility ID No. 53911

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of KOAT Hearst-Argyle Television, Inc. (Hearst), licensee of station KOVT(TV), Silver City, New Mexico. Hearst certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Hearst requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Hearst provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Hearst's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Hearst's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Hearst's inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

KOAT Hearst-Argyle Television, Inc.  
c/o Mark J. Prak, Esq.  
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP  
Post Office Box 1800  
Raleigh, North Carolina 27602

Re: Request for Extension of Time to Construct  
Digital Facilities  
KOFT-DT, Farmington, New Mexico  
File No. BEPCDT-20020304AJD  
Facility ID No. 53904

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of KOAT Hearst-Argyle Television, Inc. (Hearst), licensee of station KOFT(TV), Farmington, New Mexico. Hearst certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial reasons. Hearst believes that it is infeasible at this stage to construct in sparsely populated markets. Hearst, therefore, requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Hearst's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Hearst has failed to justify an extension in this case. However, Hearst will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above. Specifically, we seek information concerning: (1) the steps Hearst has taken to mitigate the obstacles to its digital construction efforts; (2) a specific plan outlining how Hearst will use the extension time to further construction of KOFT-DT; and (3) the date upon which Hearst anticipates that construction will

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

be complete. We believe that this information will help us determine whether grant of an extension will act to ensure that station KOFT-DT is constructed in a timely manner.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

KOAT Hearst-Argyle Television, Inc.  
c/o Mark J. Prak, Esq.  
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP  
Post Office Box 1800  
Raleigh, North Carolina 27602

Re: Request for Extension of Time to Construct  
Digital Facilities  
KOCT-DT, Carlsbad, New Mexico  
File No. BEPCDT-20020304AJC  
Facility ID No. 53908

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of KOAT Hearst-Argyle Television, Inc. (Hearst), licensee of station KOCT(TV), Carlsbad, New Mexico. Hearst certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial reasons. Hearst believes that it is infeasible at this stage to construct in sparsely populated markets. Hearst, therefore, requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Hearst's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, Hearst has failed to justify an extension in this case. However, Hearst will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above. Specifically, we seek information concerning: (1) the steps Hearst has taken to mitigate the obstacles to its digital construction efforts; (2) a specific plan outlining how Hearst will use the extension time to further construction of KOCT-DT; and (3) the date upon which Hearst anticipates that construction will

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

be complete. We believe that this information will help us determine whether grant of an extension will act to ensure that station KOCT-DT is constructed in a timely manner.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Word of God Fellowship, Inc.  
c/o Robert L. Olender, Esq.  
Koerner & Olender, PC  
5809 Nicholson Lane, Suite 124  
North Bethesda, Maryland 20852-5706

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KMPX-DT, Decatur, Texas  
Facility ID No. 73701  
FCC File No. BEPCDT-20020228AFS

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities. In its FCC Form 337, Word of God Fellowship, Inc. ("WGF") asserts that it has been unable to construct facilities for technical reasons. Specifically, WGF asserts that it has taken a great deal of time to finalize a lease for the station's tower site, which has just been completed. In addition, WGF asserts that it could not order equipment until it knew that it would have the tower site for which it filed. Furthermore, states WGF, broadcast equipment companies have been swamped with trying to fill orders for the May 1, 2002 deadline for DTV transition. As a result, WGF states that its station has been "put off". Finally, WGT avers that, as a non-profit organization, it has tried to do research to find out what would be the most suitable equipment for the station at the best prices. WGT requests an extension of time until May 1, 2003 to construct the station's DTV facilities.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WGF's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, WGF has failed to justify an extension in this case. However, WGF will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining how

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

WGF will use the extension time to further the construction of KMPX-DT; and (2) the date upon which WGF anticipates that construction will be complete.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Mass Bureau

cc: Word of God Fellowship, Inc.  
P.O. Box 612066  
Dallas Texas, 75261-2066



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Mission Broadcasting of Wichita Falls, Inc.  
c/o Elizabeth Hammond, Esq.  
Drinker Biddle & Reath LLP  
1500 K Street, NW, Suite 1100  
Washington, DC 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities  
KJTL-DT, Wichita Falls, Texas  
File No. BEPCDT-20020304AJS  
Facility ID No. 7675

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Mission Broadcasting of Wichita Falls, Inc. (Mission), licensee of station KJTL(TV), Wichita Falls, Texas. Mission certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Mission requests an extension of time until May 1, 2003 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Mission's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Mission's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Mission's inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Mission Broadcasting of Wichita Falls, Inc.  
544 Red Rock Drive  
Wadsworth, Ohio 44281

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

The Post Company  
c/o Michael W. Richards, Esq.  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037

Re: Request for Extension of Time to Construct  
Digital Facilities  
KIFI-DT, Idaho Falls, Idaho  
File No. BEPCDT-20020228AFD  
Facility ID No. 66258

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of The Post Company (Post), licensee of station KIFI-TV, Idaho Falls, Idaho. The Post certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, the Post submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until May 2, 2003 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that the Post provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether the Post's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate the Post's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of the Post's inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: The Post Company  
1915 Yellowstone Highway  
Idaho Falls, Idaho 83401

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

VHR Broadcasting of Billings, LLC  
c/o Harry C. Martin, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, Virginia 22209

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KHMT-DT, Hardin, Montana  
Facility ID No. 47670  
FCC File No. BEPCDT-20020227ADF

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities. In its FCC Form 337, VHR Broadcasting of Billings, LLC ("VHR") asserts that it has been unable to construct facilities for technical reasons. As an initial matter, VHR asserts that it consummated the purchase of KHMT(TV) on January 23, 2002, and that KHMT(TV)'s DTV authorization was not approved until September 26, 2001. VHR states that the station's existing tower, which is 20 years old, cannot support a new DTV antenna. However, VHR states that a remedy to the tower reconstruction problem and the attendant costs soon will be available. In this regard, VHR indicates that Dielectric Communications is completing research and development on a composite antenna which will have tower loading comparable to KHMT(TV)'s existing Channel 4 antenna, but will accommodate simultaneous DTV and analog operations on UHF and VHF frequencies. VHR states that this new composite antenna will be introduced at the NAB Convention in April and will be available for delivery as early as November 2002. Thus, VHR asserts that KHMT(TV) could replace its current single-station Channel 4 antenna with a new composite antenna from which the current analog VHF facility could operate side-by-side with a Channel 19 DTV facility, without requiring any refurbishment of the tower or tower base. VHR requests an extension of time for 10 months, until March 1, 2003, to accomplish such installation.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

We find that VHR's extension request showing is incomplete and request additional information at this time. Specifically, we seek information concerning: (1) a specific plan outlining how VHR will use the extension time to further the construction of KHMT-DT; and (2) the date upon which Duhamel anticipates that construction will be complete.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Mass Bureau

cc: VHR Broadcasting of Billings, LLC  
9420 Berkshire Court  
Brentwood, Tennessee 37027



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Warwick Communications, Inc.  
c/o Michael W. Richards, Esq.  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037

Re: Request for Extension of Time to Construct  
Digital Facilities  
KFXX-DT, Longview, Texas  
File No. BEPCDT-20020228AEV  
Facility ID No. 70917

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Warwick Communications, Inc. (Warwick), licensee of station KFXX(TV), Longview, Texas. Warwick certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, Warwick submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, we request that Warwick provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. The amendment would require a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Warwick's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Warwick's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Warwick's inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Warwick Communications, Inc.  
700 St. John St., Suite 301  
Lafayette, Louisiana 70501

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Duhamel Broadcasting Enterprises  
c/o Lauren Lynch Flick, Esq.  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037-1128

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KDUH-DT, Scottsbluff, Nebraska  
Facility ID No. 17683  
FCC File No. BEPCDT-20020301AHW

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities. In its FCC Form 337, Duhamel Broadcasting Enterprises (“Duhamel”) asserts that it has been unable to construct facilities for technical and legal reasons. Specifically, Duhamel asserts that it could not have constructed the KDUH-DT facilities in the short time allowed under the current construction permit, which was issued on October 5, 2001. In addition, Duhamel states that several, substantial hurdles continue to confront its digital construction efforts. In this regard, Duhamel avers that it is “experiencing serious engineering personnel shortages that will continue to impact the company in the future.” Duhamel further states that KDUH-TV operates as part of a network to distribute KOTA-TV’s signal throughout the Rapid City, South Dakota DMA.<sup>1</sup> According to Duhamel, this network is accomplished via the facilities of 1,140 miles of microwave path. In order to pass a HDTV signal along this network, states Duhamel, some 34 new radios will have to be purchased at a cost of \$51,500 per pair, and tower work will be needed at approximately 10 different sites along the routes. Furthermore, Duhamel states that the KDUH-TV antenna is located on a 2,000 foot tower, which is subject to severe winter weather conditions throughout much of the year. Duhamel asserts that there are currently only five companies in the country that are qualified to work on such a tall tower, and that weather conditions and the scarcity of tower crews will make scheduling installation of the antenna difficult.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>2</sup> The FCC Form 337 requires that an applicant seeking an extension

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<sup>1</sup> KOTA-TV’s signal is distributed by three satellite television stations in Rapid City, including KDUH-TV.

<sup>2</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Duhamel's extension request showing is incomplete and request additional information at this time. Specifically, we seek information concerning: (1) the steps Duhamel has taken to mitigate the obstacles to its digital construction efforts; (2) a specific plan outlining how Duhamel will use the extension time to further the construction of KDUH-DT; and (3) the date upon which Duhamel anticipates that construction will be complete.

Please file the requested information in an amendment to Duhamel's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Mass Bureau

cc: Duhamel Broadcasting Enterprises  
518 St. Joseph Street  
Rapid City, South Dakota 57709-1760



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Longmont Channel 25, Inc.  
c/o George R. Borsari, Jr., Esq.  
Borsari & Paxson  
2021 L Street, NW, Suite 402  
Washington, DC 20036

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
KDEN-DT, Longmont, Colorado  
Facility ID No. 38375  
FCC File No. BEPCDT-20020228AEU

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities. In its FCC Form 337, Longmont Channel 25, Inc. ("Longmont") asserts that it has been unable to construct facilities for technical reasons. Longmont asserts that KDEN(TV)'s analog antenna is mounted on a tower owned by a third party, and that on October 18, 1999, the station filed its application for a digital facility on the same tower. At the time this application was filed, states Longmont, KDEN(TV) had the permission of the owner to rent the additional space for the new antenna. Longmont states that subsequent to the filing of that application, the radio station that owns the tower was sold, and the new owner recalculated the wind loading of the tower. Longmont avers that KDEN(TV) was advised by the new tower owner that at the present time the tower will not support the new KDEN(TV) antenna. However, Longmont states that KDEN(TV) has also been advised that the tower owner anticipates that one or more present users on the tower will vacate the tower in the near term, freeing space for the KDEN-DT construction.

In addition, Longmont states that since the problem with the loading on the tower first surfaced, the licensee has made considerable effort to locate an alternate tower. In this regard, Longmont asserts that at least three tower sites have been investigated in detail, and none has proved suitable or available. Furthermore, Longmont avers that it has made extensive contacts with equipment suppliers and discussed availability and equipment cost. The licensee has also investigated the possibility of constructing the minimum facilities authorized by the Commission. Longmont states that it has ordered the transmitter for KDEN-DT and believes that the facilities can be built and operational by November 1, 2002.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve

the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Longmont's extension request showing is incomplete and request additional information at this time. Specifically, we seek information concerning the date upon which the station's tower owner reasonably anticipates that space will be available for the KDEN-DT construction. We also request specific information concerning the status of Morris' investigation into other tower locations, including the names of any parties contacted by Morris, any quotes given by such parties, and any studies which indicate the viability of alternative sites. In addition, we request a specific plan outlining how Longmont will use the extension time to further the construction of KDEN-DT. We believe this information will help us determine whether grant of an extension will act to ensure that station KDEN-DT is constructed in a timely manner.

Please file the requested information in an amendment to Longmont's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Mass Bureau

cc: Longmont Channel 25, Inc.  
P.O. Box 1471  
Evergreen, Colorado 80437

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Mission Broadcasting of Amarillo License, Inc.  
c/o Elizabeth Hammond, Esq.  
Drinker Biddle & Reath LLP  
1500 K Street, NW, Suite 1100  
Washington, DC 2005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities  
KCIT-DT, Amarillo, Texas  
File No. BEPCDT-20020304AJQ  
Facility ID No. 33722

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Mission Broadcasting of Amarillo License, Inc. (Mission), licensee of station KCIT(TV), Amarillo, Texas. Mission certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, Mission submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until May 1, 2003 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Mission's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Mission's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Mission's inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Mission Broadcasting of Amarillo License, Inc.  
544 Red Rock Drive  
Wadsworth, Ohio 44281

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Nexstar Broadcasting of Beaumont/Port Arthur, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, NW, Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities  
KBTB-DT, Port Arthur, Texas  
File No. BEPCDT-20020305ABG  
Facility ID No. 61214

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Nexstar Broadcasting of Beaumont/Port Arthur, LLC, (Nexstar), licensee of station KBTB-TV, Port Arthur, Texas. Nexstar certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, Nexstar submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until May 1, 2003 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Nexstar's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Nexstar's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Nexstar's inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Nexstar Broadcasting of Beaumont/Port Arthur, LLC  
200 Abington Executive Park, Suite 201  
Clarks Summit, Pennsylvania 18411

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Nexstar Broadcasting of Louisiana, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, NW, Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities  
KTAL-DT, Texarkana, Texas  
File No. BEPCDT-20020305ABJ  
Facility ID No. 35648

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Nexstar Broadcasting of Louisiana, LLC (Nexstar), licensee of station KTAL-TV, Texarkana, Texas. Nexstar certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, Nexstar submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Nexstar's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Nexstar's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Nexstar's inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Nexstar Broadcasting of Louisiana, LLC  
200 Abington Executive Park, Suite 201  
Clarks Summit, Pennsylvania 18411

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Palm Television, LP  
c/o Alan C. Campbell, Esq.  
Irwin, Campbell & Tannenwald, PC  
1730 Rhode Island Avenue, NW, Suite 200  
Washington, D.C. 20036-3101

Re: Request for Extension of Time to Construct  
Digital Facilities  
WATM-DT, Altoona, Pennsylvania  
File No. BEPCDT-20020304AIF  
Facility ID No. 20287

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Palm Television, LP (Palm), licensee of station WATM-TV, Altoona, Pennsylvania. Palm certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, Palm submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Palm's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Palm's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Palm's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Palm's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Palm Television, LP  
c/o The Weiss Group  
940 West Port Plaza, Suit 210  
St. Louis, Missouri 63146

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

WXTV License Partnership, GP  
c/o Lauren Lynch Flick, Esq.  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, DC 20037

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WXTV-DT, Paterson, New Jersey  
Facility ID No. 74215  
FCC File No. BEPCDT-20020301AJS

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities. In its FCC Form 337, WXTV License Partnership, GP ("Partnership") asserts that it has been unable to construct facilities for technical and legal reasons. Specifically, Partnership seeks an extension to allow it to coordinate its digital buildout with that of other users of the Empire State Building site.

Partnership states that WXTV(TV)'s transmission facilities are on top of the Empire State Building. Partnership avers that while WXTV-DT was not directly impacted by the events of September 11, 2001, a reconfiguration of the Empire State Building mast has now been proposed to accommodate the relocation of additional stations that had planned to operate from the World Trade Center. Partnership asserts that it is unclear at this time whether WXTV-DT will be required to modify its initial plans for its buildout as a result of any reconfiguration. Partnership further states that if the station is able to install its antenna as intended, it is anticipated that the station can be operational by August 2002. In the interim, states Partnership, it is proceeding with other planned construction, such as transmitter room outfitting.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

We find that Partnership's extension request showing is incomplete and request additional information at this time. Specifically, we seek information regarding: (1) the status of the proposed reconfiguration of the Empire State Building mast, and whether Partnership has determined if such proposal will impact its initial plans for buildout of WXTV-DT; and (2) a specific plan outlining how Partnership will use the extension time to further the construction of WXTV-DT. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WXTV-DT is constructed in a timely manner.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: WXTV License Partnership. GP  
1999 Avenue of the Stars, Suite 3050  
Los Angeles, California 90067



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Hispanic Keys Broadcasting, Inc.  
c/o Aaron P. Shainis, Esq.  
Shainis & Peltzman, Chartered  
1850 M Street, NW, Suite 240  
Washington, D.C. 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
WVIB-DT, Key West, Florida  
File No. BEPCDT-20020228AGC  
Facility ID No. 27387

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Hispanic Keys Broadcasting, Inc. ("Hispanic"), licensee of station WVIB(TV), Key West, Florida. Hispanic certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Hispanic requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Hispanic's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Hispanic's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Hispanic's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Hispanic's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Hispanic Keys Broadcasting, Inc.  
5513 NW 52<sup>nd</sup> Ave.  
Gainesville, Florida 32653

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Columbia Broadcasting, Inc.  
c/o Gene A. Bechtel, Esq.  
Law Office of Gene Bechtel, PC  
1050 Seventeenth Street, NW, Suite 600  
Washington, D.C. 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
WQHB-DT, Sumter, South Carolina  
File No. BEPCDT-20020304AIZ  
Facility ID No. 40902

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Columbia Broadcasting, Inc. ("Columbia"), licensee of station WQHB(TV), Sumter, South Carolina. Columbia certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Columbia requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Columbia's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Columbia's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Columbia's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Columbia's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Columbia Broadcasting, Inc.  
P.O. Box 1616  
Greenville, South Carolina 29602

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Univision of Melbourne, Inc.  
c/o Lauren Lynch Flick, Esq.  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, DC 20037

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WOTF-DT, Melbourne, Florida  
Facility ID No. 5802  
FCC File No. BEPCDT-20020301AJM

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities. In its FCC Form 337, Univision of Melbourne, Inc. ("Melbourne") asserts that it has been unable to construct facilities for technical and legal reasons. Specifically, Univision seeks an extension of WOTF-DT's construction permit due to the station's recent acquisition.

Melbourne asserts that WOTF(TV) is one of 30 full power television stations ultimately owned by Univision Communications, Inc. ("Univision"). Melbourne further states that WOTF(TV) was acquired by Univision in the last eight months. Furthermore, Melbourne asserts that, after acquisition, it determined that the tower at the station's proposed DTV site could not accommodate the antenna that was applied for and granted in the construction permit. Thus, Melbourne states that it has been evaluating its options, including strengthening of the existing tower and alternate sites for the station. Finally, Melbourne asserts that while this matter is on going, it is also examining the possibility of commencing operations using an interim, reduced power facility.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

We find that Melbourne's extension request showing is incomplete and request additional information at this time. Specifically, we seek information regarding: (1) the status of the investigation into the feasibility of using the tower authorized in WTOF-DT's construction permit; (2) the status of the investigation into other tower locations, including the names of any parties contacted, any quotes given by such parties, and any studies which indicate the viability of alternative sites; and (3) a specific plan outlining how Melbourne will use the extension time to further the construction of WOTF-DT. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WOTF-DT is constructed in a timely manner.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Univision of Melbourne, Inc.  
1999 Avenue of the Stars, Suite 3050  
Los Angeles, California 90067



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Channel 32 Montgomery, LLC  
c/o Todd M. Stansbury, Esq.  
Wiley Rein & Fielding LLP  
1776 K Street, NW  
Washington, D.C. 20006

Re: Request for Extension of Time to Construct  
Digital Facilities  
WNCF-DT, Montgomery, Alabama  
File No. BEPCDT-20020301ALD  
Facility ID No. 72307

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Channel 32 Montgomery, LLC (Montgomery), licensee of station WNCF(TV), Montgomery, Alabama. Montgomery certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, Montgomery submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Montgomery's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Montgomery's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Montgomery's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Montgomery's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Channel 32 Montgomery, LLC  
3251 Harrison Road  
Montgomery, Alabama 36109

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Nashville License Holdings, LLC  
c/o Nam E. Kim, Esq.  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Ave., NW, Suite 800  
Washington, D.C. 20036-6802

Re: Request for Extension of Time to Construct  
Digital Facilities  
WNAB-DT, Nashville, Tennessee  
File No. BEPCDT-20020301ALC  
Facility ID No. 73310

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Nashville License Holdings, LLC (Nashville), licensee of station WNAB(TV), Nashville, Tennessee. Nashville certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, Nashville submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Nashville's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Nashville's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Nashville's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Nashville's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Nashville License Holdings, LLC  
100 North Crescent Drive  
Beverly Hills, California 90210

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Corporation For General Trade  
c/o Melodie A. Virtue, Esq.  
Garvey, Schubert & Barer  
1000 Potomac Street, NW, Fifth Floor  
Washington, D.C. 20007

Re: Request for Extension of Time to Construct  
Digital Facilities  
WKJG-DT, Fort Wayne, Indiana  
File No. BEPCDT-20020227AAB  
Facility ID No. 13960

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Corporation For General Trade (CGT), licensee of station WKJG-TV, Fort Wayne, Indiana. CGT certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, CGT submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether CGT's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate CGT's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of CGT's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when CGT's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Corporation For General Trade  
2633 West State Boulevard  
Fort Wayne, Indiana 46808

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Nexstar Broadcasting of Erie, LLC  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, NW, Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities  
WJET-DT, Erie, Pennsylvania  
File No. BEPCDT-20020304AJB  
Facility ID No. 65749

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Nexstar Broadcasting of Erie, LLC (Nexstar), licensee of station WJET-TV, Erie, Pennsylvania. Nexstar certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, Nexstar submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until May 1, 2003 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Nexstar's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Nexstar's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Nexstar's inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Nexstar Broadcasting of Erie, LLC  
200 Abington Executive Park, Suite 201  
Clarks Summit, Pennsylvania 18411

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Carolina Christian Broadcasting, Inc.  
c/o Gene A. Bechtel, Esq.  
Law Office of Gene Bechtel, PC  
1050 Seventeenth Street, NW, Suite 600  
Washington, D.C. 20036

Re: Request for Extension of Time to Construct  
Digital Facilities  
WGGG-DT, Greenville, South Carolina  
File No. BEPCDT-20020304AJA  
Facility ID No. 9064

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Carolina Christian Broadcasting, Inc. ("Carolina"), licensee of station WGGG(TV), Greenville, South Carolina. Carolina certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. Carolina requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources.<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

<sup>3</sup> *Id.* at 20611-20612.

condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Carolina's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Carolina's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Carolina's inability to raise capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Carolina's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Carolina Christian Broadcasting, Inc.  
P.O. Box 1616  
Greenville, South Carolina 29602

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<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Univision Partnership of New Jersey  
c/o Lauren Lynch Flick, Esq.  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, DC 20037

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WFUT-DT, Newark, New Jersey  
Facility ID No. 60555  
FCC File No. BEPCDT-20020301AJP

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities. In its FCC Form 337, Univision Partnership of New Jersey ("UPNJ") asserts that it has been unable to construct facilities for technical and legal reasons. Specifically, UPNJ asserts that it is seeking an extension of WFUT-DT's construction permit due to the station's recent acquisition and the loss of the station's proposed antenna site.

UPNJ states that WFUT(TV) is one of 30 full power television stations ultimately owned by Univision Communications, Inc. ("Univision"). UPNJ further states that WFUT(TV) was acquired by Univision in the last eight months. Moreover, UPNJ asserts that at the time WFUT(TV) was acquired, the station was in negotiations with the management of the Empire State Building to renew the station's antenna site lease. Following the events of September 11, 2001, states UPNJ, these negotiations have turned to a proposal recently made to reconfigure the tower on top of the building to accommodate additional stations relocating from the World Trade Center site. UPNJ states that the station's transmitter has been ordered and is in storage. Furthermore, UPNJ asserts that it is exploring the possibility of implementing an interim operation at reduced power using an existing antenna to speed the commencement of operations.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

We find that UPNJ's extension request showing is incomplete and request additional information at this time. Specifically, we seek information regarding: (1) the status of the proposed reconfiguration of the Empire State Building mast, and whether UPNJ has determined if such proposal will impact its initial plans for buildout of WFUT-DT; (2) whether UPNJ is investigating other potential tower locations and, if so, the names of any parties contacted by UPNJ, any quotes given by such parties, and any studies which indicate the viability of alternative sites; and (3) a specific plan outlining how UPNJ will use the extension time to further the construction of WFUT-DT. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WFUT-DT is constructed in a timely manner.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Univision Partnership of New Jersey  
1999 Avenue of the Stars, Suite 3050  
Los Angeles, California 90067



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Morris Network of Alabama, Inc.  
c/o Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, Virginia 22209-3801

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WDHN-DT, Dothan, Alabama  
Facility ID No. 43846  
FCC File No. BEPCDT-20020301AJA

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities. In its FCC Form 337, Morris Network of Alabama, Inc. ("Morris") asserts that it has been unable to construct facilities for technical reasons. Morris asserts that it is requesting additional time to complete construction based upon the unavailability of necessary equipment for its proposed digital facilities. Specifically, Morris states that it has received letters from both its tower companies and its transmitter and associated equipment supplier which indicate that these companies will be unable to deliver and install the digital transmission facilities for WMGT-DT prior to May 1, 2002. Morris is co-owned with the licensees of KARK-TV, WXXV-TV and WDHN(TV). Morris states that while it is anticipated that construction of KARK-DT will go forward in the near term, its tower company cannot install the digital antennas for WMGT-DT, WXXV-DT, and WDHN-DT until early 2003 due to the company's heavy workload. Furthermore, Morris asserts that its transmitter manufacturer has indicated that the best time frame for product shipment would be 90-120 days. Further, Morris states that installation can take up to six weeks thereafter.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

We find that Morris's extension request showing is incomplete and request additional information at this time. Specifically, we seek information concerning: (1) a specific plan outlining how Morris will use the extension time to further the construction of WDHN-DT; and (2) the date upon which it anticipates that construction will be complete. We believe that this information will help us determine whether grant of an extension will act to ensure that station WDHN-DT is constructed in a timely manner.

Please file the requested information in an amendment to Morris's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Mass Bureau

cc: Morris Network of Alabama, Inc.  
P.O. Box 748  
Little Rock, Arkansas 72203



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Weigel Broadcasting Company  
c/o Joseph M. Di Scipio, Esq.  
Cohn and Marks LLP  
1920 N Street, NW, Suite 300  
Washington, DC 20036

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WCIU-DT, Chicago, Illinois  
Facility ID No. 71428  
FCC File No. BEPCDT-20020227ADO

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities. In its FCC Form 337, Weigel Broadcasting Company ("WBC") asserts that it has been unable to construct facilities for legal reasons. Specifically, WBC asserts that it is seeking an extension of WCIU-DT's construction permit due to its inability to obtain a lease for its DTV facility. WBC states that its analog facility is, and its DTV facility will be, located on top of the Sears Tower in downtown Chicago.<sup>1</sup> WBC asserts that when it began negotiations with its landlord for DTV space in August, 1997, the landlord wished to modify the transmission facilities of WBC's analog and DTV channels, as well as use aperture space that was under lease to WBC. These negotiations, states WBC, continued through September, 1998, without resolution. According to WBC, negotiations resumed in April, 1999, and continued through November, 1999, again with no resolution.<sup>2</sup>

WBC states that negotiations began again in April, 2000, and broke off in December 2000. In November, 2001, WBC asserts that the landlord rejected a settlement agreement it proposed to resolve the outstanding issues. Negotiations have continued since that time, states WBC, and it hopes to have an agreement with the landlord for DTV operations on the Sears Tower by April, 2002. Furthermore, WBC states that as soon as lease arrangements can be finalized at Sears, it will begin DTV operations shortly thereafter. WBC asserts that the broadband DTV antenna it would use, and on which there has been conceptual agreement with Sears, is already in place. Additionally, WBC states that it has researched transmitters and will place a transmitter order as soon as its lease arrangement is resolved. Finally, WBC asserts that, in case negotiations remain at impasse for DTV space on Sears tower, it has begun negotiations

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<sup>1</sup> WBC also has a Class A television station, WFBT-CA, Channel 23, located there.

<sup>2</sup> WBC asserts that part of these negotiations centered on the installation of monopoles. WBC states that Sears added such monopoles to the top of the building to increase its NTSC and DTV antenna capacity. However, WBC avers that Sears did so without notice to, or permission from, WBC as required by its lease. Furthermore, WBC believes that the monopoles cause interference to its WFBT-CA operations.

for tower space with the landlord for the John Hancock Building in September, 2000, and these negotiations continue.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>3</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WBC's extension request showing is incomplete and request additional information at this time. Specifically, we seek information regarding: (1) the status of WBC's negotiations with its landlord at the Sears Tower for the DTV space; (2) the status of WBC's investigation into other potential tower locations, including the names of any parties contacted by WBC, any quotes given by such parties, and any studies which indicate the viability of alternative sites; (3) a specific plan outlining how WBC will use the extension time to further the construction of WCIU-DT; and (4) the date upon which WBC anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WCIU-DT is constructed in a timely manner.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Weigel Broadcasting Company  
26 North Halsted Street  
Chicago, Illinois 60661

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<sup>3</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Word Broadcasting Network, Inc.  
c/o Howard J. Barr, Esq.  
Womble Carlyle Sandridge & Rice  
1776 K Street, NW, Suite 200  
Washington, DC 20006

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WBNA-DT, Louisville, Kentucky  
Facility ID No. 73692  
FCC File No. BEPCDT-20020301AJQ

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities. In its FCC Form 337, Word Broadcasting Network, Inc. ("WBN") asserts that it has been unable to construct facilities for technical reasons. Specifically, WBN asserts that it is seeking an extension of WBNA-DT's construction permit due to difficulties in securing adequate tower facilities for digital operations. WBN states that on May 5, 2001, the Commission granted it a construction permit for WBNA-DT (File No. BPCDT-19991029ACZ). WBN further states that it has diligently sought to obtain tower space for the station's digital antenna by making arrangements to place the antenna on a tower being constructed in Louisville by SpectraSite Broadcast Towers ("SpectraSite"). However, WBN asserts that the process of obtaining regulatory approval has delayed work on the tower, and SpectraSite has informed WBN that it will not complete construction by May 1, 2002.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WBN's extension request showing is incomplete and request additional information at this time. Specifically, we seek information regarding: (1) the time frame in which WBN reasonably expects to obtain regulatory approval to complete work on the tower and the current status of this process; (2) whether WBN is investigating other potential tower locations and, if so, the names of any parties contacted by WBN, any quotes given by such

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

parties, and any studies which indicate the viability of alternative sites; (3) a specific plan outlining how WBN will use the extension time to further the construction of WBNA-DT; and (4) the date upon which WBN anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WBNA-DT is constructed in a timely manner.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Word Broadcasting Network, Inc.  
P.O. Box 19859  
Louisville, Kentucky 40259



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

South Central Communications Corp.  
c/o Edward S. O'Neill, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, Virginia 22209

Re: FCC Form 337 Request for Extension of Time to Construct Digital Facilities  
WAZE-DT, Madisonville, Kentucky  
Facility ID No. 74592  
FCC File No. BEPCDT-20020304AIP

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities. In its FCC Form 337, South Central Communications Corp. ("SCCC") asserts that it has been unable to construct facilities for technical reasons. Specifically, SCCC asserts that it had been prepared to construct and begin the operation of WAZE-DT by May 1, 2002, as authorized by the station's initial construction permit (File No. BPCDT-19991101AHC). However, SCCC states that it now intends to conduct reduced, interim operations, as authorized by a recent Commission order. SCCC avers that it will imminently file a request for STA to cover the interim operation of WAZE-DT. Furthermore, SCCC asserts that although it intends to commence such operation promptly after grant of an enabling STA, the extension requested will provide for any unforeseen delays in the authorization or construction process.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that SCCC's extension request fails to comply with the Commission's stated policy regarding extension of DTV construction deadlines, and the instructions to FCC Form 337. Thus, SCCC has failed to justify an extension in this case. However, SCCC will be afforded fifteen (15) days from the date of this letter to amend its previously filed FCC Form 337 to provide the requisite information as set forth above, including: (1) a specific plan outlining

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

how SCCC will use the extension time to further the construction of WAZE-DT; and (2) the date upon which SCCC anticipates that construction will be complete.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: South Central Communications Corp.  
P.O. Box 3848  
Evansville, Indiana 47736



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Bastet Broadcasting, Inc.  
c/o Elizabeth A. Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, NW, Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to Construct  
Digital Facilities  
WYOU-DT, Scranton, Pennsylvania  
File No. BEPCDT-20020304AJP  
Facility ID No. 17010

Dear Permittee:

This letter concerns the above-referenced request for extension of time to construct digital facilities, filed on behalf of Bastet Broadcasting, Inc. (Bastet), licensee of station WYOU(TV), Scranton, Pennsylvania. Bastet certifies that construction cannot be completed by the applicable May 1, 2002 deadline due to financial inability. In support, Bastet submits proprietary financial information, pursuant to Section 0.459 of the Commission's rules, in support of its extension request, and requests an extension of time until November 1, 2002 to construct the station's DTV facilities.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The Commission has also determined to "consider, on a case-by-case basis, in addition to the extension criteria outlined in the Fifth Report and Order, whether a broadcaster should be afforded additional time to construct its DTV facilities because the cost of meeting the minimum build-out requirements exceeds the station's financial resources."<sup>2</sup> To qualify under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

<sup>2</sup> *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 20594, 20611 (2001).

were unsuccessful; and (3) indicate when it reasonably expects to complete construction.<sup>3</sup> The instructions to FCC Form 337 further state that, with respect to a station's claimed financial condition, the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

We find that the instant extension request is incomplete and request additional information. Specifically, in order to determine whether Bastet's financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The financial showing should demonstrate Bastet's financial condition over an economically significant period of time.<sup>4</sup> We also request documentary evidence of Bastet's inability to raise capital, such as affidavits from lenders or other financial institutions.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Bastet Broadcasting, Inc.  
544 Red Rock Drive  
Wadsworth, Ohio 44281

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<sup>3</sup> *Id.* at 20611-20612.

<sup>4</sup> *Id.*



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

KATV, LLC  
c/o Thomas Van Wazer, Esquire  
Sidley, Austin, Brown & Wood LLP  
1501 K Street, NW  
Washington, D.C. 20005

Re: Request for Extension of Time to  
Construct Digital Facilities  
KATV-DT, Little Rock, AR  
Facility ID No. 33543  
File No. BEPCDT-20020225AAL

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf KATV, LLC ("KATV") for an extension of time to construct the digital facilities of KATV-DT. KATV certifies that it is unable to construct facilities by the applicable deadline due to technical reasons. Specifically, it states that as a result of the events of September 11, 2001, it has encountered delays in receiving equipment and completing the necessary engineering analysis to accommodate the new equipment at the transmitter site. KATV reports that the events of September 11 adversely impacted equipment production schedules and delivery dates, as well as the timing of the engineering analysis of the tower.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that KATV's extension request showing is incomplete and we request additional information at this time. Specifically, we seek more detailed information regarding: (1) when it learned of these claimed difficulties; (2) what equipment has been ordered and received, and when any necessary equipment not on hand is to be delivered; (3) the steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of KATV-DT; and (5) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station KATV-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to KATV's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: KATV, LLC  
c/o Stephen P. Gibson  
P.O. Box 77  
Little rock, AR 72203



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Young Broadcasting of Sioux Falls, Inc.  
c/o Carl R. Ramey, Esquire  
Wiley, Rein & Fielding LLP  
1776 K Street, NW  
Washington, D.C. 20006

Re: Request for Extension of Time to  
Construct Digital Facilities  
KELO-DT, Sioux Falls, SD  
Facility ID No. 41983  
File No. BEPCDT-20020221ABE

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf Young Broadcasting of Sioux Falls, Inc. ("Young") for a six-month extension of time, until November 1, 2002, to construct the digital facilities of KELO-DT. Young certifies that it is unable to construct facilities by the applicable deadline due to technical, legal and "other" reasons.<sup>1</sup> Specifically, it states that it has an unusually large tower that rises 1985 feet at a location near Sioux Falls that is shared with another commercial television station. It reports that its final plan to implement digital operation has been constrained by two dominant factors: a limited amount of tower experts with the requisite experience to deal with the "unique problems" of towers this size in that part of the country, and the need to act cooperatively with another party that shares the current analog antenna rather than acting unilaterally. As a result, Young asserts, a joint plan that requires modification of the existing tower and installation of a combined antenna has been developed, and a formal agreement should be finalized shortly. In any event, however, Young maintains that winter weather in the area "flatly prohibits" the commencement of construction until the spring, at the earliest.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>2</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

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<sup>1</sup> Although Young certifies that "legal" and "other" reasons have prevented it from completing construction, the reasons advanced indicate that the reason for the delay is actually "technical" in nature.

<sup>2</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

We find that Young's extension request showing is incomplete and we request additional information at this time. Specifically, we seek more detailed information regarding: (1) when Young learned of these claimed difficulties; (2) what equipment has been ordered and received, and when any necessary equipment not on hand is to be delivered; (3) the steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of KELO-DT; and (5) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station KELO-DT is constructed in a timely manner.

Please file the requested information in an amendment to Young's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Young Communications, Inc.  
c/o Mark Antonitis  
501 Phillips Avenue  
Sioux Falls, SD 57104



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Bangor Communications, Inc.  
c/o Christopher L. Robbins, Esquire  
Wiley, Rein & Fielding LLP  
1776 K Street, NW  
Washington, D.C. 20006

Re: Request for Extension of Time to  
Construct Digital Facilities  
WVII-DT, Bangor, ME  
Facility ID No. 3667  
File No. BEPCDT-20020301ACH

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of Bangor Communications, Inc. ("Bangor") for six-month extension of time, until November 1, 2002, to construct the digital facilities of WVII-DT. Bangor certifies that it is unable to construct facilities by the applicable deadline due to technical reasons. Specifically, Bangor states that it has had difficulty identifying a transmitter site suitable for DTV operation. It states that the station's analog tower cannot be used because the landowner is concerned about potential RF radiation problems, and that other alternative sites are too close to Bangor Airport where FAA regulations will not permit the construction of a tower tall enough to provide requisite service to its community of license. While it is exploring the possible use of other towers, Bangor does not believe it will be able to commence operation WVII-DT prior to May 1, 2002.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Bangor's extension request showing is incomplete and request additional information at this time. Specifically, we request that Bangor provide us with information as to the reasons why construction of WVII-DT has been delayed and when such construction will be completed. We seek specific information regarding: (1) when Bangor learned of the claimed difficulties and the steps it has taken to mitigate its problems; (2) what equipment is on hand, and when other necessary equipment was ordered and is to be delivered; (3) a specific plan outlining

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

how it will use the extension time to further the construction of WVII-DT; and (5) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WVII-DT is constructed in a timely manner.

Please file the requested information in an amendment to Bangor's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Bangor Communications, Inc.  
c/o R. Joseph Fuchs  
317 Target Industrial Circle  
Bangor, ME 04401



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

SCI Indiana Licensee, LLC  
c/o Kathryn R. Schmeltzer, Esquire  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037-1128

Re: Request for Extension of Time to  
Construct Digital Facilities  
WTTK-DT, Kokomo, IN  
Facility ID No. 56526  
File No. BEPCDT-20020301AKD

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of SCI Indiana Licensee, LLC ("SCI") for an extension of time to construct the digital facilities of WTTK-DT. SCI certifies that it is unable to construct facilities by the applicable deadline due to technical reasons. Specifically, SCI reports that the current tower is not capable of supporting a DTV antenna system. It states that it is "working . . . to develop a community tower" and is awaiting cost estimates for two such towers.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that SCI's extension request showing is inadequate. Accordingly, we request that SCI provide us with specific information as to the reasons why construction of WTTK-DT has been delayed and when such construction will be completed. We seek specific information regarding: (1) when these claimed difficulties occurred; (2) what equipment has been ordered and received, and when any necessary equipment not on hand is to be delivered; (3) the steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of WTTK-DT; and (5) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WTTK-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to WTTK's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: SCI Indiana Licensee, LLC  
c/o David B. Amy  
10706 Beaver Dam Road  
Cockeysville, MD 21030



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Sullivan Broadcasting Company III, Inc.  
c/o Elizabeth Hammond, Esquire  
Drinker Biddle & Reath LLP  
1550 K Street, NW  
Suite 1100  
Washington, D.C. 20005-1209

Re: Request for Extension of Time to  
Construct Digital Facilities  
WVAH-DT, Charleston, WV  
Facility ID No. 417  
File No. BEPCDT-20020301AGQ

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of Sullivan Broadcasting Company III, Inc. ("Sullivan") for six-month extension of time, until November 1, 2002, to construct the digital facilities of WVAH-DT. Sullivan certifies that it is unable to construct facilities by the applicable deadline due to technical reasons. Specifically, Sullivan states that it plans to install WVAH-DT's digital equipment on the station's current tower, but that that tower is currently overloaded with equipment and is not capable of supporting its DTV antenna. It reports that it is working with its vendor to design an antenna that will have a lower windload and will conduct a technical study to ensure that the structure will hold a newly designed antenna. Sullivan states that it intends to complete these tasks as expeditiously as possible.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Sullivan's extension request showing is incomplete and request additional information at this time. Specifically, we request that Sullivan provide us with specific information as to the reasons why construction of WVAH-DT has been delayed and when such construction will be completed. We seek specific information regarding: (1) when these claimed difficulties occurred; (2) what equipment has been ordered and received, and when any

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

necessary equipment not on hand is to be delivered; (3) the steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of WVAH-DT; and (5) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WVAH-DT is constructed in a timely manner.

Please file the requested information in an amendment to Sullivan's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Sullivan Broadcasting Company III, Inc.  
c/o David Pulido  
10 New England Business Center  
Suite 100  
Andover, MA 02180



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

KGAN Licensee, LLC  
c/o Kathryn R. Schmeltzer, Esquire  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037-1128

Re: Request for Extension of Time to  
Construct Digital Facilities  
KGAN-DT, Cedar Rapids, IA  
Facility ID No. 25685  
File No. BEPCDT-20020301AKS

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of KGAN Licensee, LLC ("KGAN") for an extension of time to construct the digital facilities of KGAN-DT. KGAN certifies that it is unable to construct facilities by the applicable deadline due to technical reasons. Specifically, KGAN states that the current tower does not have the capacity to support a DTV antenna system. It reports that it is "working . . . to join a community antenna system" and that an agreement is under negotiation.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that KGAN's extension request showing is incomplete and request additional information at this time. Specifically, we request that KGAN provide us with specific information as to the reasons why construction of KGAN-DT has been delayed and when such construction will be completed. We seek specific information regarding: (1) when these claimed difficulties occurred; (2) what equipment has been ordered and received, and when any necessary equipment not on hand is to be delivered; (3) the steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of KGAN -DT; and (5) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station KGAN-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to KGAN's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: KGAN Licensee, LLC  
c/o David B. Amy  
10706 Beaver Dam Road  
Cockeysville, MD 21030



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

WSTR Licensee, LLC  
c/o Kathryn R. Schmeltzer, Esquire  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037-1128

Re: Request for Extension of Time to  
Construct Digital Facilities  
WSTR-DT, Cincinnati, OH  
Facility ID No. 11204  
File No. BEPCDT-20020301AKD

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of WSTR Licensee, LLC ("WSTR") for an extension of time to construct the digital facilities of WSTR-DT. WSTR certifies that it is unable to construct facilities by the applicable deadline due to technical reasons. Specifically, WSTR states that the current tower is under study to determine the compatibility of a DTV antenna system with existing uses. It reports the current tower will need modifications. It also states that an alternate antenna system has been designed which the tower can support, and will be ordered once the results of the tower study are received.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WSTR's extension request showing is inadequate. Accordingly, we request that WSTR provide us with specific information as to the reasons why construction of WSTR-DT has been delayed and when such construction will be completed. We seek specific information regarding: (1) when these claimed difficulties occurred; (2) what equipment has been ordered and received, and when any necessary equipment not on hand is to be delivered; (3) the steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of WSTR -DT; and (5) the date upon which it anticipates that construction will be complete. We believe that this information will help us to

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

determine whether grant of an extension will act to ensure that station WSTR-DT is constructed in a timely manner.

Please file the requested information in an amendment to WSTR's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: WSTR Licensee, LLC  
c/o David B. Amy  
10706 Beaver Dam Road  
Cockeysville, MD 21030



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Franklin Media, Inc.  
c/o John L. Franklin, Sr.  
2105 West Gregory Street  
Pensacola, FL 32501

Re: Request for Extension of Time to  
Construct Digital Facilities  
WPAN(DT), Ft. Walton Beach, FL  
Facility ID No. 31570  
File No. BEPCDT-20020226ABM

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of Franklin Media, Inc. ("Franklin") for extension of time to construct the digital facilities of WPAN(DT). Franklin certifies that it is unable to construct facilities by the applicable deadline due to technical and financial reasons. Specifically, Franklin states that it was party to a sales agreement that has "just now fallen through" and additional time is needed to purchase and install necessary DTV equipment.

In the DTV proceeding, the Commission expressed its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Franklin's extension request showing is incomplete and request additional information at this time. Specifically, we request that Franklin provide us with more detailed information as to the reason(s) its sales agreement fell through, its efforts to secure necessary equipment and complete construction of the station, and its financial difficulties. Specifically, we seek information regarding: (1) the reasons Franklin's sales agreement is no longer in effect; (2) when the claimed difficulties occurred; (3) the steps it has taken to mitigate its problems; and (4) a specific plan outlining how it will use the extension of time to further the construction of WPAN(DT).

Franklin's application is also silent as to the nature of the financial problems certified to in the extension application. To the extent that Franklin claims such difficulties as a basis for the

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Fifth Report and Order*, MM Docket No. 87-268, 12 FCC Rcd 12809 (1997) ("*Fifth Report and Order*").

requested extension, it must address the extension criteria in *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, Memorandum Opinion and Order on Reconsideration*, 16 FCC Rcd 20594, 20611-12 (2001). Under this standard, the applicant must: (1) provide an itemized estimate of the cost of meeting the minimum build-out requirements and a detailed statement explaining why its financial condition precludes such expenditure; (2) describe its good faith efforts to meet the deadline, including the good faith efforts to obtain the requisite financing, and why those efforts were unsuccessful; and (3) indicate when it reasonably expects to complete construction. Further in this regard, the instructions to FCC Form 337 state that the applicant should have available an audited profit and loss statement for its most recent fiscal year, or similar probative financial documentation, at the time of filing.

Therefore, we request that Franklin provide an itemized estimate of the cost of construction, as set forth in the DTV proceeding. This requires a price estimate for each structure, antenna, or other related equipment reasonably necessary for DTV operations. In order to determine whether Franklin's specific financial condition warrants an extension, we request the audited income statements that applicants are required to keep available, as set forth in the instructions to the FCC Form 337. The income statements should demonstrate Pacific's financial condition over an economically significant period of time. *Id.* We also request documentary evidence of Franklin's inability to raise necessary capital, such as affidavits from lenders or other financial institutions. Finally, we request a detailed estimate of when Franklin's financial condition would permit purchase of the necessary equipment.

Please file the requested information as an amendment to the previously filed FCC Form 337 within fifteen (15) days of the date of this letter. This information is necessary for us to determine whether grant of an extension will act to ensure that station WPAN(DT) is constructed in a timely manner.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Living Faith Ministries, Inc.  
c/o John M. Burgett, Esquire  
Wiley, Rein & Fielding LLP  
1776 K Street, NW  
Washington, D.C. 20006

Re: Request for Extension of Time to  
Construct Digital Facilities  
WLFG-DT, Grundy, Virginia  
Facility ID No. 37808  
File No. BEPCDT-20020222ADE

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of Living Faith Ministries, Inc. ("Living") for six-month extension of time, until November 1, 2002, to construct the digital facilities of WLFG-DT. Living certifies that it is unable to construct facilities by the applicable deadline due to technical reasons. Specifically, Living states that the delivery of necessary transmitter equipment has been delayed. It also states that once the equipment is received, it anticipates additional difficulties scheduling tower crews and engineers, and that extremely harsh weather conditions at its transmitter site may render the site inaccessible and its construction hazardous during the winter and spring months. It believes it will be able to complete construction by November 1, 2002.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Living's extension request showing is incomplete and request additional information at this time. Specifically, we request that Living provide us with information as to the reasons why construction of WLFG-DT has been delayed and when such construction will be completed. We seek specific information regarding: (1) the reasons why Living has not received its necessary equipment and when such difficulties occurred; (2) when that equipment is to be delivered; (3) the steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of WLFG-DT; and (5) the date

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WFLG-DT is constructed in a timely manner.

Please file the requested information in an amendment to Living's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Living Faith Ministries, Inc.  
c/o Buford Smith  
P.O. Box 151  
Vansant, VA 24656



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Living Faith Ministries, Inc.  
c/o John M. Burgett, Esquire  
Wiley, Rein & Fielding LLP  
1776 K Street, NW  
Washington, D.C. 20006

Re: Request for Extension of Time to  
Construct Digital Facilities  
WLFB-DT, Bluefield, West Virginia  
Facility ID No. 37806  
File No. BEPCDT-20020222ABE

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of Living Faith Ministries, Inc. ("Living") for six-month extension of time, until November 1, 2002, to construct the digital facilities of WLFB-DT. Living certifies that it is unable to construct facilities by the applicable deadline due to technical reasons. Specifically, Living states that DTV construction permit for WLFB-DT was not granted until January 18, 2002.<sup>1</sup> It reports that it is awaiting the delivery of necessary transmitter equipment to construct the station. Living states that once the equipment is received, it anticipates additional difficulties scheduling tower crews and engineers, and that extremely harsh weather conditions at its transmitter site may render the site inaccessible and its construction hazardous during the winter and spring months. It believes it will be able to complete construction by November 1, 2002.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>2</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Living's extension request showing is incomplete and request additional information at this time. Specifically, we request that Living provide us with specific information as to the reasons why construction of WLFB-DT has been delayed and when such

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<sup>1</sup> Living states that its DTV application was mutually exclusive with the application for WGPX-DT, Burlington, North Carolina. It further states that it diligently pursued an alternative and filed an amendment to its pending application to resolve the conflict, allowing for the grant of the WLFB-DT construction permit.

<sup>2</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

construction will be completed. We seek specific information regarding: (1) the reasons why Living has not received its necessary equipment and when such difficulties occurred; (2) when that equipment is to be delivered; (3) the steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of WLFB-DT; and (5) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WLFB-DT is constructed in a timely manner.

Please file the requested information in an amendment to Living's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Living Faith Ministries, Inc.  
c/o Buford Smith  
P.O. Box 151  
Vansant, VA 24656



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

WICS Licensee, LLC  
c/o Kathryn R. Schmeltzer, Esquire  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037-1128

Re: Request for Extension of Time to  
Construct Digital Facilities  
WICS-DT, Springfield, IL  
Facility ID No. 25686  
File No. BEPCDT-20020301AJC

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of WICS Licensee, LLC ("WICS") for six-month extension of time to construct the digital facilities of WICS-DT. WICS certifies that it is unable to construct facilities by the applicable deadline due to technical reasons. Specifically, WICS states that the current tower is not capable of supporting a full-size DTV antenna system. It reports that the station "is now considering a smaller and lower power solution" which will allow the commencement of DTV operations, and that a second tower study will be required as soon as the antenna design is complete.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WICS's extension request showing is incomplete and request additional information at this time. Specifically, we request that WICS provide us with specific information as to the reasons why construction of WICS-DT has been delayed and when such construction will be completed. We seek specific information regarding: (1) when these claimed difficulties occurred; (2) what equipment has been ordered and received, and when any necessary equipment not on hand is to be delivered; (3) the steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of WICS-DT; and (5) the date upon which it anticipates that construction will be

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WICS-DT is constructed in a timely manner.

Please file the requested information in an amendment to WICS's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: WICS Broadcasting Company III, Inc.  
c/o David B. Amy  
10706 Beaver Dam Road  
Cockeysville, MD 21030



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

MG Broadcasting of Birmingham Holdings, LLC  
c/o Kevin P. Latek, Esquire  
Dow, Lohnes & Albertson PLLC  
1200 New Hampshire Avenue, NW  
Suite 800  
Washington, D.C. 20036

Re: Request for Extension of Time to  
Construct Digital Facilities  
WIAT-DT, Birmingham, AL  
Facility ID No. 5360  
File No. BEPCDT-20020304AFE

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of MG Broadcasting of Birmingham Holdings, LLC ("MG") for six-month extension of time, until November 1, 2002, to construct the digital facilities of WIAT-DT. MG certifies that it is unable to construct facilities by the applicable deadline due to legal reasons.<sup>1</sup> Specifically, MG states that the existing WIAT(TV) tower that is WIAT-DT's authorized tower, cannot structurally support the station's DTV antenna. MG asserts that on December 18, 2001, it filed an application for a minor modification of facilities to relocate the station's facilities to a nearby site.<sup>2</sup> MG notes that until that application is granted, it is not authorized to move to that new site.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>3</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that MG's extension request showing is incomplete and request additional information at this time. Specifically, we request that MG provide us with specific information as to the reasons why construction of WIAT-DT has been delayed and when such construction

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<sup>1</sup> Although MG certifies that it is "legal" reasons that has prevented it from completing construction, the reasons advanced indicate that the reason for the delay is "technical" in nature.

<sup>2</sup> See FCC File No. BMPCDT-20011219AB.

<sup>3</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

will be completed. We seek specific information regarding: (1) when these tower difficulties came to light; (2) reason(s) for the one-year delay in filing the site modification application; (3) what equipment has been ordered and received, and when any necessary equipment not on hand is to be delivered; (4) the steps it has taken to mitigate its problems; (5) a specific plan outlining how it will use the extension time to further the construction of WIAT-DT; and (6) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WIAT-DT is constructed in a timely manner.

Please file the requested information in an amendment to MG's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: MG Broadcasting Company III, Inc.  
c/o George L. Mahoney, Esquire  
333 East Franklin Street  
Richmond, VA 23219



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Global Communications, Inc.  
c/o John M. Burgett, Esquire  
Wiley, Rein & Fielding LLP  
1776 K Street, NW  
Washington, D.C. 20006

Re: Request for Extension of Time to  
Construct Digital Facilities  
WGBC-DT, Meridian, Mississippi  
Facility ID No. 24314  
File No. BEPCDT-20020228ADH

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of Global Communications, Inc. ("Global") for a six-month extension of time, until November 1, 2002, to construct the digital facilities of WGBC-DT. Global certifies that it is unable to construct facilities by the applicable deadline due to "other" reasons. Specifically, it states that Global's President and single majority shareholder, Alex Shields, died in September 2001. Global reports that Mr. Shields assumed sole responsibility for managing WGBC's affairs, including working with WMDN, Inc., licensee of WMDN-TV, Meridian ("WMDN"), to develop collaborative DTV facilities. It states that after Mr. Shield's death, Global's remaining officers were advised that WMDN was not planning to assist with the construction of WGBC-DT. Global advises that Mr. Shield's widow, as the executor of his estate, has been unexpectedly thrust into the position of running the television station, and is in the process of convening shareholders to elect new officers and directors and to place a general manager to oversee the station's day-to-day operations. Now that these basic organizational matters are beginning to settle, Global has recommenced negotiations with WMDN in an effort to resume focusing on the construction of WGBC-DT's digital facilities.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

We find that Global's extension request showing is incomplete and we request additional information at this time. Specifically, we seek more detailed information regarding: (1) a specific plan outlining how it will use the extension time to further the construction of WGBC-DT; (2) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WGBC-DT is constructed in a timely manner.

Please file the requested information in an amendment to Living's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Global Communications, Inc.  
c/o Phyllis Shields  
116 Skyland Drive  
Meridian, MS 39301



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

WCHS Licensee, LLC  
c/o Kathryn R. Schmeltzer, Esquire  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, D.C. 20037-1128

Re: Request for Extension of Time to  
Construct Digital Facilities  
WCHS-DT, Charleston, WV  
Facility ID No. 71280  
File No. BEPCDT-20020301AKP

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of WCHS Licensee, LLC ("WCHS") for an extension of time to construct the digital facilities of WCHS-DT. WCHS certifies that it is unable to construct facilities by the applicable deadline due to technical reasons. Specifically, WCHS states that the current tower is overloaded and requires a structural study. It reports that it is "working on the development of a smaller wind load antenna" which will not require "as much" tower modification as might be required with more typical designs.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WCHS's extension request showing is inadequate. Accordingly, we request that WCHS provide us with specific information as to the reasons why construction of WCHS-DT has been delayed and when such construction will be completed. We seek specific information regarding: (1) when these claimed difficulties occurred; (2) what equipment has been ordered and received, and when any necessary equipment not on hand is to be delivered; (3) the steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of WCHS -DT; and (5) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WCHS-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to WCHS's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: WCHS Licensee, LLC  
c/o David B. Amy  
10706 Beaver Dam Road  
Cockeysville, MD 21030



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

SJL Northeast License Subsidiary, LLC  
c/o Arthur S. Landerholm, Esquire  
Latham & Watkins  
555 Eleventh Street, NW  
Suite 1000  
Washington, D.C. 20004-1304

Re: Request for Extension of Time to  
Construct Digital Facilities  
WBNG-DT, Binghamton, NY  
Facility ID No. 23337  
File No. BEPCDT-20020304AFE

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of SJL Northeast License Subsidiary, LLC ("SJL") for an extension of time to construct the digital facilities of WBNG-DT. SJL certifies that it is unable to construct facilities by the applicable deadline due to legal reasons beyond its control. Specifically, SJL states that its construction permit was not granted until December 18, 2001, due to, it believes, a delay in obtaining Canadian coordination for its proposal. As a result of the delay of the grant of its DTV construction permit, SJL states that it is not possible to station construction to be completed by May 1, 2002. Nevertheless, SJL maintains that it has identified the necessary equipment, evaluated different models and vendors for this equipment, and prepared a detailed budget and plan for the construction of the station. SJL states that it will need a period of at least one year from the December 18, 2001 grant of its construction permit to complete construction of the subject facility.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that SJL's extension request showing is incomplete and request additional information at this time. Specifically, we request that SJL provide us with specific information as to the reasons why construction of WBNG-DT has been delayed and when such construction will be completed. We seek specific information regarding: (1) what equipment has been

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

ordered and received, and when any necessary equipment not on hand is to be delivered; (2) any steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of WBNG-DT; and (5) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WBNG-DT is constructed in a timely manner.

Please file the requested information in an amendment to SJL's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: SJL Broadcasting Company III, Inc.  
c/o George L. Mahoney, Esquire  
633 Picacho Lane  
Montecito, CA 93108



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Living Faith Ministries, Inc.  
c/o John M. Burgett, Esquire  
Wiley, Rein & Fielding LLP  
1776 K Street, NW  
Washington, D.C. 20006

Re: Request for Extension of Time to  
Construct Digital Facilities  
WAGV-DT, Harlan, Kentucky  
Facility ID No. 37809  
File No. BEPCDT-20020222ABG

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of Living Faith Ministries, Inc. ("Living") for six-month extension of time, until November 1, 2002, to construct the digital facilities of WAGV-DT. Living certifies that it is unable to construct facilities by the applicable deadline due to technical reasons. Specifically, Living states that the delivery of necessary transmitter equipment has been delayed. It also states that once the equipment is received, it anticipates additional difficulties scheduling tower crews and engineers, and that extremely harsh weather conditions at its transmitter site may render the site inaccessible and its construction hazardous during the winter and spring months. It believes it will be able to complete construction by November 1, 2002.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Living's extension request showing is incomplete and request additional information at this time. Specifically, we request that Living provide us with information as to the reasons why construction of WAGV-DT has been delayed and when such construction will be completed. We seek specific information regarding: (1) the reasons why Living has not received its necessary equipment and when such difficulties occurred; (2) when that equipment is to be delivered; (3) the steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of WAGV-DT; and (5) the date

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WAGV-DT is constructed in a timely manner.

Please file the requested information in an amendment to Living's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Living Faith Ministries, Inc.  
c/o Buford Smith  
P.O. Box 151  
Vansant, VA 24656



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

WSIL-TV, Inc.  
c/o Vincent A. Pepper, Esquire  
Womble, Carlyle, Sandridge & Rice PLLC  
1776 K Street NW  
Suite 200  
Washington, D.C. 20006

Re: Request for Extension of Time to Construct  
Digital Facilities  
KPOB-DT, Poplar Bluff, Missouri  
Facility ID No. 73998  
File No. BEPCDT-20020304AFH

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of WSIL-TV, Inc. ("WSIL") for a six-month extension of time to construct the digital facilities of KPOB-DT. WSIL certifies that it is unable to construct facilities by the applicable deadline due to technical reasons. Specifically, WSIL states that a structural analysis of the KPOB was delayed due to the age of the tower and the lack of tower data. WSIL reports that a final analysis shows that the tower will require significant reinforcement in order to bear the added weight of digital equipment, and that bids have been solicited for a structural modification design. Once these bids are received, which is expected to be in late March of 2002, WSIL states that it will move quickly to chose a design and begin necessary tower reinforcement.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that WSIL's extension request showing is incomplete and we request additional information at this time. Specifically, we seek more detailed information regarding: (1) the extent to which necessary equipment has been ordered and/or received; and (2) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station KPOB-DT is constructed in a timely manner.

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

Please file the requested information in an amendment to WSIL's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: WSIL Broadcasting, Inc.  
c/o John W. Davis  
1416 Country Aire Drive  
Carterville, IL 62918



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Scripps Howard Broadcasting Company  
c/o Kenneth C. Howard, Jr., Esquire  
Baker & Hotstetler LLP  
1050 Connecticut Avenue, NW  
Suite 1100  
Washington, D.C. 20036-5304

Re: Request for Extension of Time to  
Construct Digital Facilities  
KSHB-DT, Kansas City, MO  
Facility ID No. 59444  
File No. BEPCDT-20020225AAA

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on Scripps Howard Broadcasting Company ("Scripps") for an extension of time to construct the digital facilities of KSHB-DT. Scripps certifies that it is unable to construct facilities by the applicable deadline due to technical and legal reasons.<sup>1</sup> Specifically, Scripps states that it began planning for its DTV construction early by initiating possible common-use areas with other Kansas City area broadcasters, but that no potential sites were found as a result of those discussions. Further, it reports that the tower currently used for its analog operation would not be technically compliant for both its analog and DTV facilities, and that there are no other feasible towers. Scripps states that a tower study it commissioned indicates that its existing tower may be used if extensive strengthening work were done, but that it has not been given a time for such work to begin or a planned completion date. Because of this uncertainty, Scripps states that it is now in the process of purchasing previously unavailable land in the Kansas City area for a tower. Upon completion of that purchase, and the acquisition of all local and regulatory approvals, Scripps states it will apply for a modification of its facilities.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>2</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

<sup>1</sup> Although Scripps certifies that "legal" reasons have, in part, prevented it from completing construction, the reasons advanced indicate that the reason for the delay is actually "technical" in nature.

<sup>2</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

We find that Scripps's extension request showing is incomplete and we request additional information at this time. Specifically, we seek more detailed information regarding: (1) when Scripps learned of these claimed difficulties; (2) what equipment has been ordered and received, and when any necessary equipment not on hand is to be delivered; (3) the steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of KSHB-DT; and (5) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station KSHB-DT is constructed in a timely manner.

Please file the requested information in an amendment to Scripps's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Scripps Communications, Inc.  
c/o Michael Doback  
312 Walnut Street  
Cincinnati, OH 45202-4019



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Family Stations, Inc.  
c/o Jason S. Roberts, Esquire  
Irwin, Campbell & Tannewald, P.C.  
1730 Rhode Island Avenue, N.W., Suite 200  
Washington, D.C. 20036-3101

Re: Request for Extension of Time to  
Construct Digital Facilities  
KFTL-DT, Stockton, California  
Facility ID No. 20871  
File No. BEPCDT-20020226ACA

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of Family Stations, Inc. ("Family") for extension of time to construct the digital facilities of KFTL-DT. Family certifies that it is unable to construct facilities by the applicable deadline due to technical reasons. Specifically, Family states that it is awaiting the delivery of necessary transmitter equipment, including the antenna and line, and, when it is received, it will promptly complete construction. It asserts that because of the short amount of time between delivery of the equipment and the May 1, 2002 construction deadline, it is requesting additional time in an abundance of caution in the event that construction is not complete by that time.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>1</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Family's extension request showing is incomplete and request additional information at this time. Specifically, we request that Family provide us with information as to the reasons why construction of KFTL-DT has been delayed and when such construction will be completed. We also seek information regarding: (1) the reasons why Family has not received its necessary equipment and when such difficulties occurred; (2) when that equipment is to be delivered; (3) the steps it has taken to mitigate its problems; (4) a specific plan outlining how it will use the extension time to further the construction of KFTL-DT; and (5) the date upon which it anticipates that construction will be complete. We believe that this information will help us to

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<sup>1</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

determine whether grant of an extension will act to ensure that station KFTL-DT is constructed in a timely manner.

Please file the requested information in an amendment to Family's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Family Stations, Inc.  
c/o Peggy Renschler  
4135 Northgate Blvd.  
Sacramento, California 95834



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2002

Outlet Broadcasting, Inc.  
c/o Diane Zipursky, Esquire  
National Broadcasting Company, Inc.  
1229 Pennsylvania Avenue, NW  
Washington, D.C. 20004

Re: Request for Extension of Time to Construct  
Digital Facilities  
WVIT-DT, New Britain, Connecticut  
Facility ID No. 74170  
File No. BEPCDT-20020301ACI

Dear Permittee:

This letter concerns the application on FCC Form 337 filed on behalf of Outlet Broadcasting, Inc. ("Outlet") for a six-month extension of time to construct the digital facilities of WVIT-DT. Outlet certifies that it is unable to construct facilities by the applicable deadline due to technical and other reasons. Specifically, Outlet states that tower zoning problems have delayed the construction of WVIT-DT.<sup>1</sup> Outlet further reports that it has engaged a new tower company and engineering consultants who have developed an engineering proposal to modify the existing tower in such a way so as to enable the installation of the DTV antenna without the need for a waiver of local zoning restrictions. It states that it has filed an application with local zoning authorities for a building permit for the tower modifications, which application is currently under review. Outlet asserts that it has ordered all the station's facilities, except for its antenna, and that it will be ready to begin construction as soon as a building permit is issued.

In the DTV proceeding, the Commission announced its willingness to grant, on a case-by-case basis, an extension of the applicable DTV construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the permittee's control, provided the broadcaster has taken all reasonable steps to resolve the problem expeditiously.<sup>2</sup> The FCC Form 337 requires that an applicant seeking an extension of time must provide specific reasons in support of an extension, as well as the specific steps it has taken to mitigate any problems.

We find that Outlet's extension request showing is incomplete and we request additional information at this time. Specifically, we request that Outlet provide us with specific

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<sup>1</sup> Outlet states that the Commission has previously found that the permittee has been unable to complete construction of the station due to circumstances that were unforeseeable and beyond its control when it previously extended the construction date for this station. *See, Order*, FCC 01-111 (released April 5, 2001).

<sup>2</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809 (1997).

information as to the reasons why construction of WVIT-DT has been delayed and when such construction will be completed. Specifically, we seek more detailed information regarding: (1) a specific plan outlining how it will use the extension time to further the construction of WVIT-DT; and (2) the date upon which it anticipates that construction will be complete. We believe that this information will help us to determine whether grant of an extension will act to ensure that station WVIT-DT is constructed in a timely manner.

Please file the requested information in an amendment to Outlet's previously filed FCC Form 337 within fifteen (15) days from the date of this letter.

Sincerely,

Barbara A. Kreisman,  
Chief, Video Division  
Media Bureau

cc: Outlet Broadcasting, Inc.  
1422 New Britain Avenue  
West Hartford, CT 06110