Federal Communications Commission
Washington, D.C. 20554

March 7, 2012

William H. Fitz, Esq.
Covington and Burling, LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401

Re: WFXG, Augusta, GA
File No. BPCDT-20090303ABA
Request for Tolling
Facility ID: 3228

Dear Counsel:

This concerns your December 8, 2011 letter, filed on behalf of WFXG License Subsidiary, LLC (WFXG) requesting that the expiration date for digital construction permit (File No. BPCDT-20090303ABA) for channel 31 for WFXG, Augusta, Georgia (station) be tolled. For the reasons set forth below, we grant your request and the toll the expiration date of the station's digital construction permit for channel 31.

The subject digital construction permit for channel 31 expires on March 11, 2012. However, you state that WFXG qualifies for tolling because an administrative delay has prevented construction of its digital facilities. You note that WFXG has been operating its digital facility on channel 51 since 2006. In 2008, the Commission granted the station's previous owner's request to substitute channel 31 for channel 51.[1] You maintain that, thereafter, based upon further experience operating on channel 51 and other circumstances, including the expense of constructing a new facility on channel 31, the previous owner requested that the Commission allow WFXG to revert to channel 51. A request to allow this channel substitution is pending before the Commission.[2] While that proceeding is pending, WFXG requests that the Commission toll the expiration date of its outstanding channel 31 construction permit in the event that WFXG is not successful in changing the station's channel back to channel 51. WFXG argues that the station's situation is similar to that of a holder of a construction permit subject to administrative review where going forward with construction may result in unnecessary expenditure of substantial resources. Based upon these facts, you request that the channel 31 digital construction permit expiration date be tolled pending resolution of the outstanding channel substitution proceeding.

On June 13, 2009, the Commission began applying the tolling provisions of Section 73.3598 of the rules to DTV construction deadlines occurring after June 12, 2009. *See* Implementation of DTV Delay Act, *Second Report and Order and Order and Notice of Proposed* Rulemaking, 24 FCC Rcd 77 (2009). Section 73.3598(b) of the rules provides that a construction permit deadline may be tolled under specific circumstances such as acts of God or delays due to administrative or judicial review. Because construction of the station's channel 31 digital facilities have been delayed due to the uncertainty surrounding the station's proposed return to channel 51, we find that WFXG qualifies for tolling under 73.3598(b)(2) of the rules. Further, we believe the public interest will be served by tolling the station's construction deadline.

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[1] *See* Final DTV Table of Allotments, Television Broadcast Stations (Augusta, Georgia), *Report and Order*, 23 FCC Rcd 18020 (Video Division 2008).

[2] *See* Final DTV Table of Allotments, Television Broadcast Stations (Augusta, Georgia), *Notice of Proposed Rulemaking*, 26 FCC Rcd 3870 (Video Division 2011).

The above facts considered, WFXG's tolling request IS GRANTED and the construction deadline for digital construction permit BPCDT-20090303ABA for WFXG, Augusta, Georgia, IS TOLLED until six months from the termination of the rulemaking proceeding in MB Docket No. 11-54.

Sincerely,

Barbara A. Kreisman, Chief
Video Division
Media Bureau