



Federal Communications Commission
Washington, D.C. 20554

October 15, 2010

Mr. Jeremy Lansman
Fireweed Communications, LLC
7200 Alafna Avenue
Anchorage, AK 99516

Re: KYES-TV, Anchorage, AK
Request for Tolling
File Nos. BEPCDT-20100413AIQ,
BEDSTA-20091231ABA, and
BDRTCDT-20090831AEE and AEG
Facility ID 21488

Dear Sir:

This concerns your letter filed on behalf of Fireweed Communications, LLC (Fireweed), licensee of KYES-TV, Anchorage, Alaska, requesting that the expiration date for the station's digital television (DTV) construction permit (File No. BMPCDT-20080711ADR) be tolled. For the reasons set forth below, we deny your request and cancel the station's license.

The KYES digital construction permit expired on December 12, 2009. In your request, you stated that the station qualifies for tolling pursuant to Section 73.3598 of the Commission's rules because its licensee was the subject of a bankruptcy proceeding beginning September 29, 2008 (Alaska Bankruptcy Court, Case No. 08-00646).¹ However, the information contained in your tolling request and bankruptcy court records do not show that Fireweed Communications, LLC (the licensee of KYES-TV) was the subject of that particular bankruptcy proceeding. Bankruptcy court records indicate that another company – Fireweed Communications Corporation – was the subject of that proceeding.² Therefore, because you have not demonstrated that KYES-TV was the subject of a bankruptcy proceeding, we are not able to grant your tolling request.

Wherefore, the above facts considered, **IT IS ORDERED**, That the request for tolling of Fireweed Communications, LLC, **IS DENIED**.

IT IS FURTHER ORDERED, That the application for extension of time (File No. BEPCDT-20100413AIQ) of Fireweed Communications, LLC, for KYES-TV, Anchorage, Alaska, **IS DISMISSED**.

IT IS FURTHER ORDERED, That the application for extension of Special Temporary Authority (File No. BEDSTA-20091231ABA) of Fireweed Communications, LLC for KYES-TV, Anchorage, Alaska, **IS DISMISSED**.

¹ 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 Notice of Proposed Rulemaking*, 24 FCC Rcd 2526 (2009). Subsequently, the Commission announced that, although the Section 73.3598(b)(2) tolling standard does not provide relief for financial hardship, it would provide tolling relief for a station that could not build because of a pending bankruptcy court action. *See Implementation of the DTV Delay Act, Third Report and Order and Order on Reconsideration*, 24 FCC Rcd 3399, fn 156 (2009).

² In a letter dated July 12, 2010, Fireweed Communications, LLC, was instructed to amend its tolling request within 15 days (or by July 27, 2010) to provide documentation confirming that it was the subject of a bankruptcy proceeding. Although the amendment deadline was subsequently extended to August 12, 2010 (per Fireweed's request), no amendment was filed.

IT IS FURTHER ORDERED, That the applications for replacement translator (File Nos. BDRTCDT-20090831AEE and AEG) of Fireweed Communications, LLC, ARE DISMISSED.

IT IS FURTHER ORDERED, That the license (BLCT-19950622KE) of KYES-TV, Anchorage, Alaska, IS CANCELLED and the call letters ARE DELETED.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau