

## FCC Refuses to Grant Leniency on Construction of New Radio Station After Construction Permit Deadline - Cancels Permit

February 26, 2012 by [David Oxenford](#)

When building a new radio station, the FCC gives broadcasters **three years in which to construct**. The deadline for construction can only be extended for limited reasons (referred to as circumstances that justify "**tolling**" of the permit) - for a short term equal to the period that an Act of God (e.g. a hurricane, blizzard or flood that restricts access to the proposed transmitter site) delays construction, for a Court appeal of an adverse zoning ruling, or for an appeal or challenge to the underlying grant of the construction permit itself. While waivers of these deadlines are possible - they are very rare, and usually granted only where the completion of construction misses the deadline by a matter of days. In [a case decided last week](#), the FCC reiterated its policy, and canceled a construction permit for a new AM station despite the fact that the station towers had allegedly been constructed, as it appeared that even that construction occurred after the construction deadline, and there was no clear time frame in which the final steps would be taken (including the proof of performance) that would allow the station to file a license application showing that all construction had been completed in accordance with the parameters set out in the construction permit.

This case demonstrates the importance that the FCC places on its construction deadlines. Whether building a new station, or making changes in an existing one, observe carefully all construction deadlines. As this case shows, if you miss the deadline set by a construction permit for the completion of construction, and you are not able to show one of the tolling situations exist that will stop the countdown toward the expiration of the CP, you can expect that the FCC will cancel the permit - no matter how much you may have spent to get to the point in construction at which your time ran out.

Tags: [AM Radio](#), [construction permit expiration](#), [time in which to build new radio station](#), [tolling of construction permits](#)

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