

**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D.C. 20554**

**September 13, 2004**

**In Reply Refer To:**  
**1800B3-GDG**

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In re: WQBQ(AM), Leesburg, FL  
Facility ID No. 73913  
File No. BP-20010514AAG

Dear Counsel:

This letter concerns the uncontested request filed August 26, 2004, on behalf of Gateway Broadcasting & Internet, Inc. ("Gateway"), that the referenced construction permit to modify WQBQ(AM)'s facilities be treated pursuant to the tolling provisions of 47 C.F.R. § 73.3598(b)(i).<sup>1</sup>

The staff granted the referenced permit on August 28, 2001, requiring completion of construction and filing of a covering broadcast license application no later than August 28, 2004. Section 73.3598(b)(i) of the Commission's rules recognizes that the period for construction of an original construction permit shall toll if construction is prevented due to an act of God, defined in terms of natural disasters (*e.g.*, floods, tornados, hurricanes, or earthquakes). You state that Gateway completed construction prior to August 28, 2004, but that it could not file its license application by this date because Hurricane Charley, which hit Florida on August 13-14, 2004, wiped out many of the monitoring points necessary to complete the proof of performance to accompany Gateway's license application. Gateway believes it will take approximately ninety days from the date of its request to re-measure and to complete its broadcast license application. We agree that the damages suffered as a result of Hurricane Charley warrant treatment pursuant to our tolling rules.

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<sup>1</sup> See also *1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules, and Processes*, 13 FCC Rcd 23056, 23091 (1998), *recons. granted in part and denied in part* 14 FCC Rcd 17525 (1999).

Pursuant to Gateway's request, its permit expiration date will be revised to November 26, 2004.

Sincerely,

Peter H. Doyle  
Chief, Audio Division  
Media Bureau