

Request for Extension of Construction Permit Deadline and Request for Waiver

Alpha Broadcasting Corporation (“Alpha”), licensee of WZVI(DT), Charlotte Amalie, VI (Fac. ID No. 83270), hereby requests an extension of time in which to complete construction of the station’s post-auction repack Channel 21 facilities specified in Construction Permit File No. 0000034334 (the “WZVI Permit”). The WZVI Permit’s current expiration date is August 1, 2018.

Like many other stations in Puerto Rico and the U.S. Virgin Islands, WZVI suffered major damage to its transmission facilities in September 2017 as a result of Hurricanes Irma and Maria, forcing the station off the air.¹ In January 2018, the FCC recognized the widespread damage to the islands’ infrastructure and reassigned WZVI from transition phase 3 to an early transition period beginning on July 1, 2018 and ending on August 1, 2018. By doing so, the FCC allowed WZVI to focus on constructing its post-auction Channel 21 facilities rather than rebuilding its pre-auction Channel 43 facilities and wasting resources on building duplicate broadcast facilities within a short time period. *See Incentive Auction Task Force and Media Bureau Grant Waiver of the Post-Auction Transition Schedule and Modify the Transition Phase Assignments of Repacked Stations in Puerto Rico and the U.S. Virgin Islands*, Public Notice, MB Docket No. 16-306 (rel. January 11, 2018).

Alpha has been working diligently to complete construction of the Channel 21 facilities specified in the WZVI Permit by the August 1 deadline and, until recently, fully believed that it could complete construction by the deadline. Now, however, unexpected tower issues have impeded WZVI’s progress. Moreover, Alpha is concerned that the delivery of WZVI’s transmitter and antenna – which must be transported to the U.S. Virgin Islands by sea – will not arrive in time to enable WZVI to meet the August 1 deadline, especially given the fact that the hurricane season has begun. With regard to the station’s tower, potential issues with the integrity of upper sections of WZVI’s tower were recently discovered that will require a tower study to understand fully. Alpha has already commissioned the study and expects it to be underway shortly. Accordingly, given the delay attendant to the tower study and the delays with equipment delivery, Alpha is no longer confident that it can complete the build-out of the authorized post-auction repack facilities specified in the WZVI Permit by August 1.

However, because Alpha is determined to get WZVI back on the air as soon as possible and restore long-awaited service to the station’s community of license, Alpha is pursuing the installation of an interim temporary facility on Channel 21 that Alpha believes can be operational by August 1. In an application filed contemporaneously herewith, Alpha is requesting Special Temporary Authority (“STA”) for WZVI to commence operations on Channel 21 with an interim low power transmitter and an interim antenna to be placed at a lower height on the station’s tower. WZVI will operate with these interim STA facilities while Alpha continues to diligently pursue the prompt completion of the full facilities authorized in the WZVI Permit.

¹ See FCC File No. 0000032527.

In view of the foregoing, Alpha hereby respectfully requests a 180-day extension of the WZVI Permit. Grant of the extension is in the public interest because it will allow Alpha to complete the work necessary to transition WZVI to its post-auction facilities and promptly restore service to Charlotte Amalie. Grant of the request will have no impact on the overall transition schedule or have any negative impact on other stations or viewers.

Alpha also is requesting a waiver of Section 73.3700(b)(5)(iv) of the Commission's rules, which requires that a request for extension of a construction permit deadline be filed not less than 90 days before the station's transition deadline. Pursuant to that requirement, WZVI's extension request was technically due on May 3, 2018. However, on that date, and in fact until very recently, Alpha fully believed it could complete construction of the post-auction repack facilities specified in the WZVI Permit by August 1. Now, however, due to delays with equipment delivery and unexpected tower issues, Alpha realizes that it will be unable to meet the August 1 deadline. Grant of the waiver request is in the public interest because it will allow Alpha to continue the build-out of WZVI's post-auction facilities and promptly restore service to Charlotte Amalie. Grant of the request will have no impact on the overall transition schedule or have any negative impact on other stations or viewers.