

Request for Extension of License or, in the alternative, Reinstatement of Expired License

WIVE-LP, Facility ID 20578, Ceiba, Puerto Rico

International Broadcasting Corporation (“Licensee”), licensee for WIVE-LP, Facility ID 20578, Ceiba, Puerto Rico (the “Station”), hereby requests, pursuant to Section 312(g) of the Communications Act of 1934, as amended (the “Act”), extension of license upon the conclusion of 12 consecutive months of silence, which will occur on September 19, 2018. In the alternative, Licensee requests the Commission exercise its discretion pursuant to the Act to reinstate the WIVE-LP license should the license expire. As further detailed below, grant of the requested extension or reinstatement is warranted and is in the public interest.

The Station went off the air as a result of Hurricane Maria, which devastated the island of Puerto Rico on September 20, 2017. See *Suspension of Operations and Silent Authority*, File No. 0000030171 (granted Sept. 27, 2017). The facilities of WIVE-LP, which are located on a mountain that was in the perilous right front quadrant of the storm as it made landfall, were completely destroyed: the tower, antenna, transmitter, and transmission line were all lost. Electric power was not restored to the mountain until a few months ago, and now broadcast facilities on the mountain are under construction by the various tower owners and licensees. The tower utilized by the Station is not yet reconstructed. Licensee is dedicated to returning the Station to operations as expeditiously as possible and will order new equipment once the construction is complete.

Section 312(g) of the Act specifies that the license of a broadcast station that fails to transmit broadcast signals for any consecutive 12-month period automatically expires, with the following exception: the Commission may extend or reinstate a license where the licensee “prevails in an administrative or judicial appeal, the applicable law changes, *or for any other reason to promote equity and fairness*” (emphasis added). The Commission previously has applied the discretion afforded by

Congress in this clause narrowly, limiting it to situations in which the failure to transmit broadcast signals for 12 consecutive months is due to circumstances beyond the licensee's control. The seminal case, *V.I. Stereo Communications Corp.*, Memorandum and Order, 21 FCC Rcd 14259 (2006), featured circumstances not unlike what has been experienced by Licensee: the Commission reinstated a broadcast station license where extended silence was due to destruction of towers by hurricanes.

As demonstrated herein, the Station's silence was caused by Hurricane Maria and has continued as a direct result of the aftermath of the storm, all of which was outside of Licensee's control. In keeping with the precedent established by *V.I. Stereo Communications Corp.*, equity and fairness would be promoted by grant of the requested relief.