

Request for Extension of License or, in the alternative, Reinstatement of Expired License
WRUA (DT), Facility ID 15320, Fajardo, Puerto Rico

Eastern Television Corporation (“Licensee”), licensee for WRUA (DT), Facility ID 15320 (the “Station”), Fajardo, Puerto Rico, 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 occurred September 20, 2018. In the alternative, Licensee requests the Commission exercise its discretion pursuant to the Act to reinstate the WRUA 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, 2017.¹ Because the original silence notice is not entered into the FCC’s Licensing and Management System (LMS), an STA extension request, as directed by the *Public Notice* issued August 30, 2018 (DA 18-901), is not possible. Moreover, LMS does not permit a filing which lists the silence date of a station more than 30 days in the past. Thus, per Video Division staff guidance, Licensee submits this STA request with today’s date as the silence date, rather than the actual silence date of September 20, 2017.

The entire island of Puerto Rico was declared a Major Disaster Area (FEMA-4339-DR) as a result of Hurricane Maria. The Station’s transmission equipment, located on El Yunque, was destroyed. Because that site remains without electric power to this day, Licensee has made plans to build temporary post-auction facilities at an alternate site pursuant to Special Temporary Authority granted June 29, 2018. See LMS file number 0000055348. Unfortunately, despite having ordered all of the

¹ Due to an unfortunate confusion between the reporting in DIRS and LMS, an official silence notification and request for special temporary authority to remain silent was not filed by Licensee with the Commission until January 10, 2018. This date-stamped letter is attached for reference.

necessary equipment for this temporary operation months ago, Licensee is still awaiting delivery of the transmitter and mask filter. The manufacturers now indicate delivery of these items sometime between the end of October and the end of November. Professional Engineer Alejandro Luciano anticipates being able to construct the temporary facility and return the Station to the air by the end of December, if the equipment delivery remains on this schedule.

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 and by delays in equipment manufacturing, 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.