

Virgin Islands Public Broadcasting System
WTJX-TV, Charlotte Amalie, VI
Facility ID No. 70287
LMS File No. 0000025655
As extended by LMS File No. 0000072190
And tolled by LMS File Nos. 0000084077, 0000109082, and 0000121556

Request for Continued Waiver of Tolling Rule

Virgin Islands Public Broadcasting System (“VIPBS”), licensee of noncommercial educational station WTJX-TV, Charlotte Amalie, Virgin Islands, Facility ID No. 70287 (the “Station”), hereby respectfully submits its request for continued waiver of the tolling rules and further extension of its post-auction construction permit (“CP”) for the Station’s post-auction facility.¹ *See* LMS File No. 0000084077 (Request and Amendment to Request for Waiver of Tolling Rule), LMS File No. 0000109082 (Request for Continued Waiver of Tolling Rule), and LMS File No. 0000121556 (Request for Continued Waiver of Tolling Rule); *see also* LMS File No. 0000025655 (CP) and LMS File No. 0000072190 (Extension of CP).² VIPBS submits this request for a further 180-day extension of its post-auction CP and provides additional information and updates on construction plans and anticipated timeline, which continue to be affected by the recent global pandemic.

The Commission’s rules allow for one post-transition construction permit extension of up to six months.³ Additional requests for extensions of time fall under the Commission’s tolling rule.⁴ A licensee that does not qualify for tolling under this rule but can demonstrate that “rare and exceptional circumstances” prevented the construction may still apply to toll the expiration.⁵

The Station is currently operating on its repack channel, pursuant to STA, from a side-mounted antenna on the Station’s licensed 250’ tower. *See* LMS File No. 0000060812, *as extended by* LMS File No. 0000072192, LMS File No. 0000088194, LMS File No. 0000109081, and pending application LMS File No. 0000121555 filed September 14, 2020. VIPBS has mounted the interim antennas on the 100’ auxiliary tower and plans to move the WTJX-TV repack channel antenna temporarily to the 100’ tower while the 250’ tower is rebuilt.

VIPBS previously had a delay relating to a correction of the coordinates for the existing 250’ tower with the FAA that has since been resolved. VIPBS continues to work on construction and rebuilding within the quarantine and testing restrictions as a result of the current global pandemic.

¹ To the extent necessary, VIPBS requests a waiver of the Commission’s rules. *See* 47 C.F.R. § 73.3700(b)(5)(iv).

² *See also* LMS File No. 0000060812 (Special Temporary Authority (STA) to operate on the Station’s repack channel at variance from the Station’s repack construction permit), LMS File Nos. 0000072192, 0000088194, and 0000109081 (extensions of STA); and LMS File No. 0000121555 (pending application for Further Extension of STA).

³ 47 C.F.R. § 73.3700(b)(5); *see also* LMS File No. 0000072190.

⁴ 47 C.F.R. § 73.3598(b).

⁵ *See* 1998 Biennial Regulatory Review - Streamlining of Mass Media Applications, Rules, and Processes, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17542, para. 42 (1999) (recognizing that there may be “rare and exceptional circumstances” beyond the control of the licensee that do not fall under the tolling provisions, but “which would warrant the tolling of construction time.” The Commission concluded that in such “limited circumstances” it would entertain requests for waiver of its “strict tolling provisions.”).

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The remaining work to rebuild the 250' tower and estimated timeline are as follows: (1) the materials for the 250' tower are expected to arrive in the Virgin Islands by the third week of March, (2) the required crane has been ordered from Puerto Rico and is expected to arrive in the Virgin Islands to complete disassembly of the existing 250' tower by the end of March, (3) the old 7' foundation is expected to be removed and the new 7' foundation is expected to be completed by the end of April, (4) the new 250' tower is expected to be erected by the end of May, (5) the antennas are expected to be installed on the 250' tower in June, and (5) the entire project is expected to be completed by the end of July.

For the foregoing reasons, VIPBS hereby respectfully requests a continued waiver of the tolling rules and a further 180-day extension of its post-auction CP.