

## **Tolling Request**

Puerto Rico Public Broadcasting Corporation, Inc. (“PRPBC”), licensee of full-power television Station WIPM(DT), Mayaguez, Puerto Rico (Facility ID No. 53863) (the “Station”), respectfully requests that the construction permit authorizing the Station to modify its facilities to operate on its post-auction channel (0000024551) (the “CP Authorization”), be tolled in accordance with Section 73.3598(b) of the Commission’s rules. As discussed in more detail below, Commission approval of the requested tolling is consistent with Commission rules and will serve the public interest.

As a result of the FCC’s Incentive Auction, the Station was reassigned to Channel 32. After the completion of the Incentive Auction, the Station timely filed a modification application for the repacked facilities assigned by the Commission. However, in September 2017, before any construction could be completed, the Station’s tower and transmission facilities sustained damage due to Hurricane Maria. Because there was substantial damage caused to television stations licensed to communities throughout Puerto Rico, the FCC adjusted the transition deadline for affected stations.<sup>1</sup> Under the revised transition schedule, the Station was required to terminate operation on its pre-Incentive Auction channel no later than August 1, 2018.

Recognizing that it would not be able to complete the construction of its authorized post-Incentive Auction facility prior to the August 1, 2018 deadline, PRPBC requested and received authorization to extend the CP Authorization deadline (File No. 0000055292). Additionally, PRPBC has requested and received special temporary authority to operate with interim facilities while it worked to complete construction of the facilities set forth in the CP Authorization (File No. 0000055290, as most recently extended by File No. 0000122424). The STA authorization (as extended) and the CP Authorization both are due to expire on March 29, 2021.

PRPBC has taken substantive steps to complete the construction of its post-Incentive Auction facility, but because the Station is on the same tower as Station WNJX, and due to the lack of certified tower riggers, these efforts were delayed.<sup>2</sup> PRPBC has been informed that the WNJX tower owner has received funds from the Commission’s repack administrator, and has established a firm schedule for the tower work. Indeed, the WIPM-WNJX tower reinforcement and antenna stack replacement is complete. Moreover, PRPBC expects to take delivery of the Station’s transmitter by the beginning of April, and expects to have it installed by the end of April. Unfortunately, a humidity issue inside the transmission line is delaying the installation of the Station’s antenna. If efforts to dry the transmission line are successful, PRPBC will be able to complete construction pursuant to the terms of the CP Authorization by the end of April. However, there could be some delays if additional work is necessary on the transmission line. And, of course, due to the ongoing COVID-19 pandemic, there could be additional unanticipated delays.

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<sup>1</sup> 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, 33 FCC Rcd 138 (2018).

<sup>2</sup> The reconstruction efforts of the tower for Station WNJX (and Station WIPM) were detailed in the most recent Tolling Request filed by Station WNJX’s licensee. See File No. 0000122219.

Section 73.3598(b) of the Commission's rules provides that the period of construction for an original construction permit shall toll when "construction is prevented due to an Act of God, defined in terms of natural disasters." Without question, the damage that the Station sustained during Hurricane Maria – and the ongoing issues associated with the COVID-19 pandemic – together constitute an Act of God justifying tolling. Further, tolling of the construction permit will not impact the overall transition schedule or cause interference to other stations.

For the reasons set forth above, PRPBC respectfully requests that the CP Authorization be tolled for a period not to exceed 180 days, although PRPBC anticipates that the full 180-day period may not be necessary in order to complete construction of the CP Authorization.