

Reason for CP Tolling Request

Caguas Educational TV Inc. (“Caguas”), licensee of station WUJA-DT, Caguas, Puerto Rico (Facility ID No. 8156) (the “Station” or “WUJA”), hereby requests tolling of its Construction Permit (“CP”) to allow Caguas additional time to complete installation of the Station’s new tower.¹

Caguas’s CP was granted October 18, 2018. At the time, Caguas had an STA allowing WUJA to commence operations on its post-auction channel at 10.0 kW via an interim antenna from its present antenna site by August 1, 2018 post-auction transition deadline.² However, as Caguas noted in the STA Request, a structural study of WUJA’s tower revealed that the tower needed to be replaced due to the damage from Hurricane Maria.³ Hurricane Maria, a deadly category 5 hurricane which struck in September 2017, devastated Puerto Rico and caused immense property damage. A structural study of WUJA’s tower revealed that the tower needed to be replaced due to the damage from Hurricane Maria.

After determining the tower would need to be replaced, Caguas immediately began work searching for and ordering a new tower from Sabre Industries.

Caguas filed for an STA Extension, which the Commission granted on January 1, 2019 (“First STA Extension Request”), along Caguas to continue operations of WUJA on its post-auction channel at 10.0 kW via an interim antenna from its present antenna site.⁴ The new tower was ordered in September 2019. However, due to the delay in retaining local construction permits, the tower is stored at Sabre Industries and has not been able to be shipped yet.

Throughout 2019 Caguas continued to work diligently on the completion of construction of WUJA’s new tower. On July 9, 2019, the FCC granted Caguas’s second STA extension request (“Second STA Extension Request”).⁵

As of early 2020, Caguas was still working on the tower. On January 6, 2020, the FCC granted Caguas’ a third extension request of its STA (“Third STA Extension Request”).⁶ As Caguas stated in the Third STA Extension Request, it was still actively working on construction of the new tower.⁷

¹ See LMS File No. 0000059688.

² File No. 0000055314 (granted June 29, 2018.)

³ *Id.*

⁴ File No. 0000064412.

⁵ File No. 0000076230.

⁶ File No. 0000094747.

⁷ *Id.*

However, in March of 2020, the unprecedented COVID-19 pandemic struck Puerto Rico, and essentially ground all work to a halt. Specifically, the Oficina de Gerencia de Permisos (the local government permits office, a/k/a “OGPe”), closed down and remained closed for the majority of 2020, or was operating with very few employees who were working from home, which caused an extended delay in securing the paperwork and documentation necessary to obtain the proper building permits.

As such, Caguas had to apply for another STA extension request, and on March 31, 2020, the FCC granted Caguas’ fourth STA extension request (“Fourth STA Extension Request”).⁸ As stated in the Fourth STA Extension Request, Caguas was forced to discontinue construction of WUJA’s new tower due to the COVID-19 pandemic.⁹

The effects of the unprecedented COVID-19 pandemic severely hampered Caguas’ efforts in completing construction of WUJA’s new tower. WUJA had been working on local permits for the new antenna structure facilities, but the closure of the Puerto Rico government agencies until September 14, 2020 due to the pandemic further delayed completion of construction of WUJA’s new tower. When the government agencies in Puerto Rico began reopening on September 14, 2020, WUJA was able to continue working, and worked diligently to secure the necessary permits for construction of WUJA’s new tower. While Caguas had hoped it would be able to secure those permits over the next few weeks to months, but it faced delay from local agencies.

On February 2, 2021, the FCC granted Caguas’ fifth STA extension request (“Fifth STA Extension Request”).¹⁰ As Caguas stated in its fifth STA Extension Request, it was able to resume work on WUJA’s new tower, and has continued to work diligently.¹¹ In fact, February 2, 2021, Caguas has been able to make progress. Caguas has retained a contractor, who is ready to build despite the lingering effects of the pandemic. Caguas has also procured the antenna, lines are currently being sent, and the transmitter was installed some time ago. The last obstacle Caguas faces is procuring the necessary local building permits. While it is hard to predict with certainty, Caguas estimates this will take approximately four months, and estimates an additional 90 days to finish construction once the necessary local building permits are obtained.

Since the grant of the CP, Caguas has worked persistently to overcome the damage from Hurricane Maria, the near-total shutdown of the island during the COVID-19 pandemic, and severe flooding and wind damage to the island from Hurricane Isaias in July 2020. The main delays Caguas has faced have been due to OGPe, paperwork requirements, as well as the delay by different agencies in providing the documents needed to submit the tower construction permit application. For the replacement of an existing tower, the person preparing the construction permit documents need to contact more than twenty different agencies for construction endorsements before the final submission for approval. However, due to the COVID-19

⁸ File No. 0000108375.

⁹ *Id.*

¹⁰ File No. 0000122320.

¹¹ *Id.*

pandemic, most if not all of those agencies were closed during the majority of 2020 with only skeleton crews working from home. This further delayed the endorsements needed for the final submission. As of today the application for the tower construction permit is ready for submission by the end of this month.

Grant of this instant CP Tolling Request is in the public interest because it will allow Caguas the additional time it needs to complete construction on WUJA's new tower. Caguas has made significant progress, despite the numerous weather and pandemic-related obstacles over the last couple years, and it looks forward to completing construction on this project. Therefore, Caguas hereby respectfully requests tolling of this CP so that it may complete construction of the tower.