

Reasons for Amendment of License Renewal Application – W19EY-D

This amendment is being filed to clarify and update the renewal application of Station W19EY-D (f/k/a W25EF-D), Facility ID No. 181825, which as shown in the included exhibit **“Clarification of Station’s Operational Status – W19EY-D”**, was off the air for less than 12 consecutive months.

The situation of Station W32FB-D (f/k/a W23EM-D), Facility ID No. 181818, whose license renewal application was tied to the renewal application of W19EY-D, has been dealt with by filing Legal STA ***“Request for Reinstatement and Extension of License”*** for W32FB-D, as amended, a copy of which is attached.

As to Station W35DO-D (f/k/a W34ED-D), Facility ID No. 181824, whose license renewal application was also tied to the renewal applications of W19EY-D and W32FB-D, it should be noted that this station’s license has been cancelled.

Jorge R. Figueroa
President,
TV Red de Puerto Rico, Inc.

October 15, 2021



(REFERENCE COPY - Not for submission)

Amendment to a LPTV Legal STA Application

File Number: **0000163811** | Submit Date: **10/15/2021** | Call Sign: **W32FB-D** | Facility ID: **181818** | FRN: **0019010461** |

State: **Puerto Rico** | City: **CEIBA**

Service: **LPD** | Purpose: **Legal STA Amendment** | Status: **Review** | Status Date: **10/15/2021** | Filing Status: **Active**

General Information

Section	Question	Response
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Fees, Waivers, and Exemptions

Section	Question	Response
Fees	Is the applicant exempt from FCC application Fees?	Yes
	Indicate reason for fee exemption:	REQUEST MADE NECESSARY DUE TO A SEQUENCE OF NATURAL DISASTERS OUT OF THE CONTROL OF LICENSEE.
Waivers	Does this filing request a waiver of the Commission's rule(s)?	No
	Total number of rule sections involved in this waiver request:	

Applicant
Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
TV RED DE PUERTO RICO INC Doing Business As: TV RED DE PUERTO RICO INC	JORGE R FIGUEROA PO BOX 903 SAINT JUST, PR 00978 United States	+1 (787) 761-2833	IBS-PR@USA.NET	Corporation

Authorization Holder Name

Check box if the Authorization Holder name is being updated because of the sale (or transfer of control) of the Authorization(s) to another party and for which proper Commission approval has not been received or proper notification provided.

Contact
Representatives
(2)

Contact Name	Address	Phone	Email	Contact Type
JORGE R FIGUEROA <i>PRESIDENT</i> TV RED DE PUERTO RICO INC	JORGE R FIGUEROA PO BOX 903 SAINT JUST, PR 00978 United States	+1 (787) 312-2853	IBS-PR@USA.NET	GENERAL REPRESENTATIVE
GRAFTON OLIVERA <i>TECHNICAL CONSULTANT</i> GRAFTON OLIVERA, CONSULTING ENGINEER	GRAFTON OLIVERA 5119 60TH DRIVE E BRADENTON, FL 34203 United States	+1 (941) 323-0381	GRAFTON. OLIVERA@OUTLOOK. COM	Technical Representative

Channel and Facility Information

Section	Question	Response
Facility ID	181818	
State	Puerto Rico	
City	CEIBA	
LPD Channel	32	

Primary station proposed to be rebroadcast:

Facility Id	Call Sign	City	State
3001	WCCV-TV	ARECIBO	PR

Certification

Section	Question	Response
General Certification Statements	The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).	
	The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR §1.2002(b), for the definition of "party to the application" as used in this certification §1.2002 (c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.	
Authorized Party to Sign	FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application. WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND /OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).	
	I certify that this application includes all required and relevant attachments.	Yes
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	JORGE R. FIGUEROA <i>PRESIDENT</i> 10/15/2021

Attachments

File Name	Uploaded By	Attachment Type	Description
Reasons for Amendment of Reinstatement of License Request W32FB-D.pdf	Applicant	Amendment	REASONS FOR AMENDMENT
Reinstatement of License Request W32FB-D.pdf	Applicant	All Purpose	REINSTATEMENT OF STATION LICENSE REQUEST - W32FB-D

Reasons for Amendment of Reinstatement of License Request of W32FB-D

The Legal STA application Reinstatement of License Request of W32FB-D, of TV Red de Puerto Rico, Inc. is herein amended to correct a typographical error, specifically in footnote # 6 of page 1 of the attached exhibit “***Request for Reinstatement and Extension of License***”, the License File No. is incorrectly listed as 0000456352, while the correct License File No. is 0000156352. This typographical error is corrected in this amendment.

Jorge R. Figueroa
President,
TV Red de Puerto Rico, Inc.

October 15, 2021

Request for Reinstatement and Extension of License

TV Red de Puerto Rico, Inc. (“TV Red”), licensee of low-power television (“LPTV”) station W32FB-D (f/k/a W23EM-D), Ceiba, Puerto Rico (Facility ID No. 181818, “W32FB-D”) pursuant to FCC staff request, hereby requests Special Temporary Authority (“STA”) for reinstatement and extension of W32FB-D’s license.¹ Grant of STA is in the public interest and would be in accord with the proviso set forth in Section 312(g) of the Communications Act of 1934, as amended (the “Act”), which permits the Commission to allow a station to be silent for more than 12 months if doing so would promote “equity and fairness.”²

Background

Between September 2017 and August 6, 2021, W32FB-D was silent, or operating under various Engineering STA’s, for extended periods of time due to two hurricanes, a series of earthquakes, and the ongoing COVID-19 pandemic – all of which have devastated the island of Puerto Rico and prevented W32FB-D from resuming operations with permanent facilities.

On September 20, 2017, W32FB-D went silent due to the catastrophic impact on Puerto Rico’s economy and infrastructure caused by Hurricanes Maria and Irma.³ On September 27, 2017, Red TV filed a Notification of Suspension of Operations and Request for Silent STA for W32FB-D, which was granted that same day. The extensive economic damage caused by the hurricanes, coupled with the financial pressures associated with the incentive auction repack, forced the station to remain off the air through 2018 and the majority of 2019.⁴

During this time, Red TV attempted to construct new facilities for W32FB-D which would enable the station to resume operations, but the economic disruption caused by the hurricanes prevented the station from resuming operations until May 14, 2020, when W32FB-D resumed operations on channel 17, pursuant to a channel sharing arrangement with LPTV station W17DL-D, Toa Baja, Puerto Rico (Facility ID No. 181820, “W17DL-D”) – also licensed to Red TV.⁵ This channel sharing arrangement enabled Red TV to continue providing service to its viewers while it attempted to construct permanent facilities for W32FB-D, efforts which were hampered by the ongoing economic crisis in Puerto Rico, then by the Puerto Rico earthquakes, and then by the COVID-19 pandemic. The station operated on this CSA mode until August 6, 2021, when the facilities authorized in a Minor CP Modification were completed and licensed⁶.

¹ LMS File No. 0000156352 (expired Feb. 1, 2021).

² 47 U.S.C. § 312(g).

³ LMS File No. 0000030175 (granted Sept. 27, 2017; expired Mar. 27, 2018).

⁴ LMS File Nos. 0000053358 (April 2018; expired Sept. 20, 2018) & 0000059714 (Sept. 2018; expired Mar. 6, 2019) & 0000068307 (Mar. 7, 2019; expired Dec. 31, 2019). TV Red inadvertently failed to extend its Silent STA beyond the Dec. 31, 2019, expiration date.

⁵ LMS File Nos. 0000113744 (May 15, 2020; set to expire Mar. 31, 2021).

⁶ CP Modification, File No. 0000154635 & License File No. 0000156352.

As stated above, the efforts of TV Red to restore the operation of its LPTV stations have been impaired by the lasting consequences of the series of natural disasters that have befallen on Puerto Rico, starting with Hurricanes Irma and Maria in September 2017, then continuing with a series of earthquakes on 2020 that have not stopped - events that severely damaged the electrical grid of Puerto Rico, to this very day unstable and unreliable⁷ Then, since early 2020, against the backdrop of a very difficult economic situation (officially in Bankruptcy Court) the island began to experience the effects of the Pandemic; since March 2020 and up to this day, Puerto Rico has experienced the devastating effects of the Covid-19 Pandemic⁸. The lasting effects of the natural disasters, and the Covid-19 Pandemic, have hampered the efforts of TV Red to repair and update its damaged stations.

While the strict public safety measures and high vaccination rates has put Puerto Rico on a good position regarding the Covid-19 Pandemic, it has also created a very cautious and at times isolationist attitude in many that makes very difficult to get people to work on what can be perceived as risky jobs, as is work on antenna towers, transmission sites and broadcast facilities. The difficulty in getting labor has been an important impediment to the efforts to repair its facilities, as has been the unexpected delays in delivery of the necessary replacement transmission equipment due to the Covid-19 Pandemic (see attached PDF ***“Equipment Delivery Delay Certification Broadcast Depot”***), reasons that pressed TV Red to operate under the minimal facilities that channel sharing entails.

Conclusion

Despite these circumstances beyond its control, Red TV diligently endeavored to restore W32FB-D to resume on-air operations through use of temporary facilities, channel sharing arrangements, and construction of new station facilities. Since W32FB-D resumed on-air operations with permanent facilities on August 6, 2021, the station has provided uninterrupted service to its viewers.

For the foregoing reasons, pursuant to Section 312(g) of the Act, TV Red respectfully requests reinstatement and extension of W32FB-D’s license until the station’s license renewal application is granted.

Jorge R. Figueroa
President,
TV Red de Puerto Rico, Inc.

October 12, 2021

⁷ See FCC Public Notice DA-18-901, special provisions extending Silent Authorities for additional time beyond the one-year Silence to broadcasters in the Virgin Island and Puerto Rico rebuilding in the aftermath of Hurricanes Irma and Maria. See FCC Public Notice DA-20-28 of Jan. 7, 2020, FCC provisions for dealing with the aftermath of the earthquakes hitting Puerto Rico.

⁸ See the attached PDF, *“The effects of the Covid-19 Pandemic on Puerto Rico”*.

The impact of the Covid-19 Pandemic in Puerto Rico

The effects of the Covid-19 Pandemic in Puerto Rico have been well described in the article “The Impact of the Covid-19 Pandemic in Puerto Rico”, by Sofia Perez Semanaz, of November 1, 2020, for the American University of Washington, DC. The article is partially quoted below:

“The current COVID-19 pandemic has adversely affected Puerto Rico as it has much of the world. Puerto Rico, an island with over 3.1 million inhabitants located in the Caribbean Sea, is a territory of the United States. The coronavirus is magnifying the territory’s multilayered economic and social crisis, one that has been aggravated by the catastrophic hurricanes of September 2017 and earthquakes earlier in 2020. PR’s response to the pandemic was relatively diligent and swift. Quarantine, curfew, and lockdowns per executive orders were among the timeliest and strictest in the United States, and perhaps worldwide...”

“...On March 13, 2020, Puerto Rico closed all public schools and several universities, switching to remote education. The same day, the island took additional measures, including a temperature check of persons at all ports of entry. Stay-at-home orders and social distancing guidelines were in place by March 15. Islanders had a curfew and were only allowed to purchase essential items or obtain essential services from 5 a.m. to 9 p.m. While many states had hundreds of confirmed COVID-19 cases, Puerto Rico only recorded a small number of confirmed cases and had no reported deaths...”

“...The island has been struggling for years to restructure \$120 billion public debt, pension obligations, and losses as it also continues to recuperate from the destruction that was caused by Hurricanes Irma and Maria in 2017 and a series of earthquakes in January 2020...”

“...Governor Wanda Vázquez signed an amendment Executive Order that requires visitors to provide a negative Covid-19 test result within 72 hours of arrival. Face masks are required, as are social distancing protocols. This order is more restrictive and intended to monitor who enters the island to control the virus.”

“...The director of the Division of Clinical and Health Services Research on the National Institute on Minority Health and Health Disparities (NIMHD) supports the measures taken, stating, “I applaud the curfew. I applaud some very strict measures put in place...in the light of having very low resources, restrictions are going to be very effective.”

CERTIFICATION

This is certify that TV Red de Puerto Rico has purchased from Broadcast Depot, a significant number of UHF transmitters, antennas and related accessories for their LPTV facilities in Puerto Rico, whose delivery to TV Red, although initially scheduled for late September to October 1, 2020, has been delayed by the equipment factory problems (SYES, Italy), due to the Covid-19 crisis. The equipment is now scheduled for delivery during December, 2020.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Carlos Sarraff'.

Carlos Sarraff
General Manager
Broadcast Depot
7782 NW 46 St. Miami, FL 33166

