

Adherence to Minimum Operating Schedule

TV Red de Puerto Rico, Inc. (“TV Red”), licensee of low-power television (“LPTV”) station W34FK-D (f/k/a W33CY-D), Anasco, Puerto Rico (Facility ID No. 181838), pursuant to FCC staff request, hereby amends its license renewal request.¹ Grant of this request 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 5, 2021, W33CY-D was silent 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 the station from resuming operations with permanent facilities.

On September 20, 2017, W33CY-D went silent due to the catastrophic impact on Puerto Rico’s economy and infrastructure caused by Hurricanes Maria and Irma. On September 27, 2017, Red TV filed a Notification of Suspension of Operations and Request for Silent STA for W33CY-D, which was granted that same day³. 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 most of 2019⁴. In summary, W33CY-D was provided 312(g) relief through various Public Notices and Legal Silent STA grants through 12/31/2019.

During this time, Red TV attempted to construct new facilities for W33CY-D which would enable the station to resume operations, but the economic disruption caused by the hurricanes prevented the station from resuming operations. On September 28, 2018, W33CY-D was displaced by the FCC TV Repacking procedures, from channel 34 to channel 33 (now W34FK-D)⁵; further disrupting and complicating the operation of the station.

W34FK-D remained silent for a few additional months beyond December of 2019⁶ and on May 15, 2020 the station resumed operations on Channel 22 pursuant to a Eng. STA on a CSA with LPTV station W32DZ-D, Mayaguez, Puerto Rico (Facility ID No. 183054) – also licensed to Red TV.⁷ This Eng. STA arrangement enabled Red TV to continue providing service to its viewers while

¹ LMS File No. 0000148547 (expired Feb. 1, 2021).

² 47 U.S.C. § 312(g).

³ LMS File No. 0000030183 (granted Sept. 27, 2017; expired Mar. 27, 2018).

⁴ LMS File Nos. 0000053365 (Apr. 26, 2018; expired Sept. 20, 2018), & 0000059715 (Sept. 20, 2018; expired Mar. 6, 2019) & 0000068310 (Mar. 5, 2019; expired Dec. 31, 2019).

⁵ LMS File No. 0000053622 (granted Sept. 28, 2018; set to expired Sept. 28, 2021).

⁶ TV Red inadvertently did not extend its Silent STA beyond the Dec. 31, 2019, date.

⁷ LMS File No. 0000113813 (filed on May 15, 2020; granted and set to expired Dec. 4, 2020).

it attempted to construct permanent facilities for W34FK-D, efforts which were continuously 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 June 1, 2021, when the facilities authorized in a Minor CP Modification were completed and licensed⁸.

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 unreliable⁹ 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 Pandemic. 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.

Conclusion

Despite these circumstances beyond its control, Red TV diligently endeavored to restore W34FK-D to resume on-air operations through use of temporary facilities, channel sharing arrangements, and construction of new station facilities. Since W34FK-D resumed on-air operations with permanent facilities on August 5, 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 that W34FK-D (f/k/a W33CY-D)'s license renewal application be granted.

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

November 8, 2021

⁸ CP Modification, File No. 0000147080 & License File No. 0000148547

⁹ *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.*