

Request for Extension of Invoice Filing Deadline

Puerto Rico Public Broadcasting Corporation (“PRPBC”), licensee of Station WIPR-DT, San Juan, Puerto Rico (“Station”), hereby requests an extension of the deadline to submit invoices and related documentation to the Commission’s repack administrator associated with the buildout of the Station’s Post-Incentive Auction facilities, from March 22, 2022 until September 6, 2022. This request is being filed pursuant to Paragraph 18 of the Commission’s recent *Public Notice*.¹

As reported to the Commission as part of PRPBC’s request to extend the submission deadline for the Station until March 22, 2022 (File No. 0000158340, granted September 14, 2021), as a noncommercial educational station that is operated as an arm of the government of Puerto Rico, the Station has limited financial resources, but nevertheless is devoted to serving viewers in San Juan and the surrounding areas with excellent public affairs programming. As a result of the Commission’s Incentive Auction, the Station was reassigned to Channel 26. 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 substantial damage during Hurricane Maria. Because there was substantial damage caused to television stations licensed to communities throughout Puerto Rico, the Commission adjusted the transition deadline for affected stations.² 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 deadline for constructing its post-Incentive Auction facility (File No. 0000055291, as most recently extended by File No. 0000161279). Additionally, PRPBC has requested and received special temporary authority (“STA”) to operate with interim facilities while it worked to complete construction of its post-Incentive Auction facility (File No. 0000055289, as most recently extended by File No. 0000161411). The Station’s post-Incentive Auction construction permit and its STA to operate with interim facilities both are due to expire on March 22, 2022, and PRPBC anticipates filing, prior to that deadline, both another “tolling” request and a request for a further extension of STA.

Pursuant to the Commission’s grant of Legal STA (File No. 0000158340), March 22, 2022 is the current deadline for submitting all remaining invoices and documentation to the Commission’s repack administrator associated with the construction of the Station’s post-Incentive Auction facility. But as set forth herein, because of circumstances beyond PRPBC’s control, some of the Station’s expenses will be incurred after March 22, 2022. As a result, PRPBC

¹ See *Incentive Auction Task Force and Media Bureau Report on Status of the Post-Incentive Auction Reimbursement Program, Announce Final Allocation and Post-Implementation Site Visit Validation Program, and Remind Stations of Invoice Filing Deadlines*, Public Notice, MB Docket 16-306, GN Docket 12-268, DA 22-191, rel. February 24, 2022.

² 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).

may not receive all invoices and related documentation from outside contractors, which would then be sent to the Commission's repack administrator for reimbursement, until well after March 22, 2022. Accordingly, PRPBC will not be able to submit its remaining invoices and other documentation for all of the work associated with the post-Incentive Auction facility by March 22, 2022 due to circumstances beyond its control.

Since at least the 1960s, the Station operated from a location known as La Santa Peak, which presently is owned by the Puerto Rico Department of Natural and Environmental Resources ("DRNA"). For over 50 years, DRNA (or its predecessors) had leased the site to a party unaffiliated with PRPBC: the owner of WAPA-TV (Televiscentro of Puerto Rico, LLC, or its predecessors (collectively, "WAPA")). WAPA had erected and maintained a tower on that site for many years prior to Hurricane Maria. Pursuant to a separate lease with WAPA, PRPBC was permitted to co-locate antennas and transmitters on the tower for the Station and one of PRPBC's radio stations (WIPR-FM, San Juan), along with WAPA's television station.

Hurricane Maria made landfall on Puerto Rico on September 19, 2017, and circumstances beyond PRPBC's control have made it impossible to operate the Station from that location since that time. As a result of Hurricane Maria, La Santa Peak suffered extensive and crushing damage, including the outright collapse of the tower. Following that damage, PRPBC understands that WAPA was able to relocate its television station to a different location, but such location was not made available to PRPBC. Sometime in mid-2018, WAPA informed PRPBC that it was abandoning its rights to utilize La Santa Peak, and intended to terminate its lease with DRNA. Shortly after learning of WAPA's decision, PRPBC informed DRNA that its desire was to restore the Station's operations from La Santa Peak.

It should be noted that PRPBC has taken substantive steps to complete the construction of the Station's post-Incentive Auction facility. PRPBC has entered into a lease with DRNA to rebuild the tower at the site and utilize it for the Station's broadcast operations and has contracted with Sabre Industries to undertake construction. However, before construction can actually begin, pursuant to DRNA policy, PRPBC needs to be named by DRNA as the primary permittee. As indicated above, the primary permittee remains WAPA, even though WAPA informally has advised all parties of its intention to terminate its lease with DRNA. PRPBC has been in regular contact with WAPA, requesting that WAPA formally relinquish its role as the primary permittee; however, to date, WAPA has not yet undertaken that formal relinquishment. Obviously, DRNA's policies, and the timing for WAPA to act, are beyond the control of PRPBC.

In addition, PRPBC needs approval from the Puerto Rico General Services Administration ("PRGSA") to clear some areas at the site, install the tower guy wires and construct three new tower anchors. PRGSA's approval has not yet been obtained, and the timing for obtaining such approval is beyond the control of PRPBC.

Lastly, neither Dielectric, the manufacturer of the Station's antenna, nor Sabre, the manufacturer of the tower, have shipped their respective items of equipment to the site (in part due to worldwide supply chain issues), and the timing for such shipment is beyond the control of PRPBC.

Based on the foregoing, PRPBC respectfully requests that the Commission extend the deadline to submit invoices and related documentation to the Commission's repack administrator associated with the buildout of the Station's Post-Incentive Auction facility, from March 22, 2022 until September 6, 2022. As set forth above, PRPBC has been diligently working towards getting the Station back on the air with permanent facilities that were destroyed by Hurricane Maria, but those efforts have been delayed to date due to circumstances beyond PRPBC's control. In addition, unforeseen circumstances beyond PRPBC's control could add to the delays associated with rebuilding the Station's tower and installation of Station equipment thereon, and therefore the submission of all required invoices and documentation.

Grant of this request would serve the public interest, as it would allow PRPBC to be fully reimbursed for all of the costs it has incurred associated with the repack, so that PRPBC can ensure that the Station is focused on serving viewers in San Juan and the surrounding areas with excellent public television offerings. In addition, there would be no harm imposed on any other television station – or any other person or government – by granting this routine courtesy to PRPBC.

For the reasons set forth above, PRPBC respectfully requests that the invoice submission deadline be extended until September 6, 2022.