

REASONS FOR CP TOLLING EXTENSION REQUEST

Caguas Educational TV Inc. (“Caguas”), licensee of Full Service Television station WUJA, Caguas, Puerto Rico (Facility ID No. 8156) (the “Station” or “WUJA”), hereby respectfully requests that the Federal Communications Commission (“FCC”) grant an extension of tolling of its construction permit (“CP” or “Construction Permit”) until September 6, 2022 to allow Caguas additional time to complete installation of the Station’s new tower.¹

As demonstrated below, grant of this CP Tolling Extension Request is in the public interest because, despite its best efforts, bureaucratic delays from the Puerto Rican government – in part due to the COVID-19 pandemic and in part due to the lingering effects of the natural disasters that have plagued Puerto Rico over the last few years – have made it impossible for Caguas to complete construction of its Construction Permit. Despite the substantial progress made since grant of previous Tolling Request, Caguas is still unable to complete construction of the CP and strongly believes it will not be able to do so by the March 22, 2022 deadline set by the Commission upon grant of the most recent Tolling Request. Accordingly, requests that the FCC grant the instant Request.

I. BACKGROUND

In 2018, Caguas was granted STA to operate WUJA via its post-auction channel at 10.0 kW via an interim antenna from its present antenna site.² At that time, a structural study revealed that the tower had been so damaged by Hurricane Maria that it required replacement.³ Later that year, the FCC granted a modification of WUJA’s license so that it could channel share

¹ See FCC File No. 0000059688 (“Construction Permit” or “CP”).

² See FCC File No. 0000055314.

³ *Id.*

with WDWL.⁴ While Caguas modified the WUJA facilities to channel share, the FCC permitted Caguas to operate the Station from its post-auction channel.⁵ As the COVID-19 pandemic raged on throughout 2020 and 2021, the FCC further extended the CP and granted tolling because construction was halted by bureaucratic delays in the permitting and endorsement process.⁶

Unfortunately, construction cannot be completed until Caguas is physically in possession of all of the necessary components for the tower and facilities, its local permits are issued by the Puerto Rican government, and it is able to obtain the requisite tower crews to perform the work. As indicated above, Caguas requires a new tower to build out its CP and operate pursuant to those permitted parameters. Caguas placed its order for a new tower in 2019, a final payment has been made, and delivery is being scheduled. However, tower installation cannot commence until all permits are issued from the Oficina de Gerencia de Permisos (“OGPe”), which is the permitting body of the Puerto Rican government.

II. REASON FOR EXTENSION

As explained further below, Caguas’s need for grant of this Request stems from the bureaucratic delays caused by certain Puerto Rican governmental bodies, including the OGPe. The OGPe either has been non-operational or operating at a very limited capacity throughout the COVID-19 pandemic. Since the most recent tolling extension of its CP,⁷ Caguas finally received all necessary endorsements, submitted its complete and final application to the OGPe, and received preliminary approval from the OGPe. Below, Caguas has provided an estimate of the extent and timeline of the work that remains to be completed. While Caguas is unable to provide

⁴ FCC File No. 0000059688.

⁵ See FCC File Nos. 0000067238; 0000082686; 0000108378; 0000122319.

⁶ See FCC File Nos. 0000141567; 0000154001; 0000161084.

⁷ See FCC File No. 0000161084 (“Sept. 2021 Tolling Request”).

a firm timeline during which the work will be completed in light of the unforeseen delays experienced thus far, it is optimistic that construction could be complete by the end of June 2022. Accordingly, Caguas believes an extension until September 6, 2022, is warranted.

The permitting process in Puerto Rico is extensive and time-consuming at best, and has been substantially delayed due to factors beyond the control of Caguas. In 2020, the COVID-19 pandemic led to an effective shutdown of all offices that were required to deliver endorsements. As Caguas has previously indicated, the OGPe closed and remained closed for the majority of 2020 due to the pandemic.⁸ Government agencies in Puerto Rico did not reopen until September 14, 2020. Even after reopening, agencies operated at limited capacity, complicating the process to secure documentation and permits.

In light of COVID-19's impact on the function of the Puerto Rican government, the FCC granted additional CP Tolling Requests in April⁹ and July of 2021.¹⁰ At the time of the Sept. 2021 Tolling Request, Sabre, the tower manufacturer and installer, obtained a contractor, and Caguas procured the antenna and lines and installed the transmitter.¹¹ However, Caguas could not continue construction while it awaited the approval of the OGPe, which could not be issued until the fire department's endorsement had been received. Fortunately, Caguas has since received the fire department's endorsement, and preliminary OGPe approval was issued in February 2022.¹² Exhibit A to Caguas's Legal STA Extension includes the preliminary approval

⁸ See FCC File No. 0000067238; 0000082686; 0000108378; 0000122319.

⁹ See FCC File No. 0000141567.

¹⁰ See FCC File No. 0000154001.

¹¹ See Sept. 2021 Tolling Request.

¹² See FCC File No. 0000186103 ("Legal STA Extension").

as well as several of the documents that Caguas must submit to the OGPe to obtain final approval for its permit. English translations have been provided using Google Translate.¹³ Once Caguas completes the final administrative tasks associated with the permit, including submitting its insurance policy and a photo of the sign at its construction site with the requisite information, it can commence construction. All of these requirements have now been satisfied, and Caguas is in the process of submitting proof thereof, at which point approval will be complete and construction may commence. However, with construction estimated to take approximately three months after final OGPe approval is received, the March 22, 2022 deadline will be impossible to meet.

Once construction commences, Caguas estimates that the following work will be required to complete build-out of the Construction Permit: tower foundation construction, tower erection, rigging, antenna installation, antenna sweep, and testing of the equipment. Sabre has indicated that, according to its installation schedule, it will require one to two months to install the tower once it has been delivered. After that, antenna installation and performance of the antenna sweep likely will be completed expeditiously. Accordingly, Caguas is optimistic that construction may be completed by the end of June 2022, but will be unable to complete construction by March 22, 2022.

Therefore, for the foregoing reasons, Caguas respectfully requests that the Commission grant the instant CP Tolling Extension Request until September 6, 2022 so Caguas has the necessary time to receive the OGPe's approval and complete construction.

¹³ Google Translate may not provide a perfect translation of the documentation, but Licensee believes the translation accurately captures the meaning of the documents provided in the Legal STA Extension's Exhibit A.