

Tolling Request

Puerto Rico Public Broadcasting Corporation (“PRPBC”), licensee of full-power television Station WIPM(DT), Mayaguez, Puerto Rico (Facility ID No. 53863) (the “Station”), respectfully requests that the construction permit authorizing the Station to modify its facilities to operate on its post-auction channel (File No. 0000024551) (the “CP Authorization”), be tolled in accordance with Section 73.3598(b) of the Commission’s rules. As discussed in more detail below, Commission approval of the requested tolling is consistent with Commission rules and will serve the public interest.

As previously reported to the Commission, 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 Mayaguez and the surrounding areas with excellent public affairs programming. After the completion of the Incentive Auction, the Station timely filed a modification application for repacked facilities on Channel 32, as assigned by the Commission. However, in September 2017, before any construction could be completed, the Station’s tower and transmission facilities sustained damage due to 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.¹ 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 CP Authorization (File No. 0000055292, as most recently extended by File No. 0000161282). 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. 0000055290, as most recently extended by File No. 0000161417). The STA authorization (as extended) and the CP Authorization both are due to expire on March 22, 2022.

PRPBC has taken substantive steps to complete the construction of its post-Incentive Auction facility, but, due to reasons beyond the Station’s control, those efforts have been delayed. In particular, because the Station is on the same tower as Station WNJX, and due to the lack of certified tower riggers from the continental United States during the COVID-19 pandemic, construction was delayed for many months. Although Station WNJX has been able to complete its work and now operates with its post-Incentive Auction facility, unfortunately, the Station has been unable to complete its work due to circumstances beyond its control.

The Station’s main transmitter has been partially installed. However, the transmitter manufacturer (Comark) still needs to complete the installation. Once the installation is complete, PRPBC will have to undertake a proof of performance of the Station’s antenna. Comark has not provided PRPBC with a firm timeline to complete the installation work, although that company

¹ 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).

informally has advised PRPBC's consulting engineer that it may be able to continue such work starting at the end of March 2022.

PRPBC's consulting engineer recently conducted some preliminary work to test the performance of the Station's antenna, and he believes that the transmission line may be causing some negative issues with respect to how the antenna is performing. Thus, it will be necessary for PRPBC to hire a tower rigger to open the transmission line. Once the tower rigger is hired (and PRPBC has been soliciting estimates for such work), PRPBC's consulting engineer will be able to determine if the issues are as a result of the transmission line or the antenna.

As previously reported to the Commission, the Puerto Rico General Services Administration ("PRGSA") is in control of the procurement and purchase procedures for PRPBC. Because any contract for services to PRPBC needs to be approved by the PRGSA, and PRPBC has no control over either the PRGSA approval process or over Comark's work schedule, if the rigger hiring, the transmission line test and final installation of the Station's transmitter does not occur before the current CP Authorization deadline of March 22, 2022, the inability to meet that deadline would be due to circumstances beyond PRPBC's control.

Section 73.3598(b) of the Commission's rules provides that the period of construction for an original construction permit shall toll when "construction is prevented due to an Act of God, defined in terms of natural disasters." Without question, the extensive damage that the Station sustained during Hurricane Maria – and the ongoing issues associated with the COVID-19 pandemic and the other matters beyond PRPBC's control as set forth herein – together constitute justifications for tolling. Further, tolling of the construction permit will not cause interference to other stations.

For the reasons set forth above, PRPBC respectfully requests that the CP Authorization be tolled for a period not to exceed 180 days, although PRPBC anticipates that the full 180-day period may not be necessary in order to complete construction of the CP Authorization.