

## **Tolling Request**

Puerto Rico Public Broadcasting Corporation (“PRPBC”), licensee of full-power television Station WIPR-DT, San Juan, Puerto Rico (Facility ID No. 53859) (the “Station”), respectfully requests that the deadline set forth in the construction permit authorizing the Station to modify its facilities to operate on its post-auction channel (File No. 0000034681) (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 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.<sup>1</sup> 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 due to circumstances beyond its control, PRPBC requested and received authorization to extend the CP Authorization (File No. 0000034681, as most recently extended by File No. 0000186994). Additionally, PRPBC has requested and received special temporary authority (“STA”) to operate with interim facilities while it worked to complete construction of the facilities set forth in the CP Authorization (File No. 0000055289, as most recently extended by File No. 0000187000). The CP Authorization is due to expire on September 6, 2022, and the STA authorization (as extended) is due to expire on September 22, 2022.

On several prior occasions, PRPBC has set forth in detail the substantial damage caused by Hurricane Maria, which included the complete destruction of the Station’s tower owned by another Puerto Rico broadcaster, and substantial damage to the related transmission facilities and to the real property itself. 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

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<sup>1</sup> 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).

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 20, 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.

PRPBC has taken substantive steps to complete the construction of the Station's post-Incentive Auction facility, but final construction is being delayed due to circumstances beyond PRPBC's control. Specifically, 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, and the FAA has approved construction of the new tower. In addition, the Puerto Rico General Services Administration ("PRGSA") recently has issued a permit to PRPBC to allow for the clearing of some areas at La Santa Peak, the installation of the tower guy wires and the construction of three new tower anchors. PRPBC has taken delivery of the Station's antenna from Dielectric.

PRPBC also has contracted with Sabre Industries to undertake the above-described construction, and expects to be able to obtain a timeline for such construction in the near term. PRPBC has been in active discussions with Sabre Industries and its subcontractors, urging them to perform the necessary work as quickly as possible. However, the actual timing for performing such work is solely within Sabre Industries' discretion, and thus is beyond the control of PRPBC.

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 issues relating to 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.

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. For the reasons set forth above, PRPBC respectfully requests that the CP Authorization be tolled for a period of 180 days.