

## **REASONS FOR LEGAL STA 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”) issue a Legal Special Temporary Authority (“STA”) to extend the deadline for submission of invoices in connection with the FCC’s repack project. Caguas has received confirmation that it is scheduled to complete construction on September 20<sup>th</sup>, 2022. However, this means that they will not receive final invoices and receipts to submit for reimbursement before the Commission’s September 6<sup>th</sup>, 2022 deadline. As demonstrated below, allowing Caguas to complete construction and submit its invoices is in the public interest because Caguas has diligently sought to complete construction despite supply chain and permitting delays beyond their control. For the reasons stated herein, Caguas respectfully requests that the Commission extend its deadline for the submission of invoices.

### **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.<sup>1</sup> At that time, a structural study revealed that the tower had been so damaged by Hurricane Maria that it required replacement.<sup>2</sup> Later that year, the FCC granted a modification of WUJA’s license so that it could channel share with WDWL.<sup>3</sup> While Caguas modified the WUJA facilities to channel share, the FCC permitted

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<sup>1</sup> See FCC File No. 0000055314.

<sup>2</sup> *Id.*

<sup>3</sup> FCC File No. 0000059688.

Caguas to operate the Station from its post-auction channel.<sup>4</sup> 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.<sup>5</sup>

Caguas is finally in possession of all of its requisite equipment and permits to complete construction, and its CP was most recently extended in March of 2022.<sup>6</sup> However, due to the prior delays, excavation on the site could not begin until August 22<sup>nd</sup>, 2022. The licensee has received a full schedule for construction as provided in Exhibit A, and its contractors expect the construction and installations to be complete by September 20<sup>th</sup>, 2022.

## **II. REASON FOR EXTENSION**

As discussed in its prior applications, Caguas has experienced substantial delays due to factors beyond their control, including supply chain and an inability to receive permits from the Puerto Rican government. Since the most recent tolling extension of its CP,<sup>7</sup> 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.

The permitting process and ongoing supply chain issues and have substantially delayed construction. These factors are 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

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<sup>4</sup> See FCC File Nos. 0000067238; 0000082686; 0000108378; 0000122319.

<sup>5</sup> See FCC File Nos. 0000141567; 0000154001; 0000161084.

<sup>6</sup> See FCC File No. 0000186748

<sup>7</sup> See FCC File No. 0000161084 (“Sept. 2021 Tolling Request”).

due to the pandemic.<sup>8</sup> 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 April<sup>9</sup> and July of 2021.<sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup> Caguas received further extension of its CP tolling in March of 2022, and now asks that it be extended one final time as construction is completed. Caguas now is in its final stages of construction and its tasks are being completed as scheduled per the plans below. Once complete, Caguas will be able to submit its invoices for reimbursements.

Therefore, for the foregoing reasons, Caguas respectfully requests that the Commission grant the instant Legal Special Temporary Authority ("STA") to extend the deadline for submission of invoices so that Caguas may complete construction and receive its complete invoices.

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<sup>8</sup> See FCC File No. 0000067238; 0000082686; 0000108378; 0000122319.

<sup>9</sup> See FCC File No. 0000141567.

<sup>10</sup> See FCC File No. 0000154001.

<sup>11</sup> See Sept. 2021 Tolling Request.

<sup>12</sup> See FCC File No. 0000186103 ("Legal STA Extension").

## EXHIBIT A

### Final Construction Schedule

Date	Activity
August 22, 2022	Commence Excavation
August 25, 2022	Rebar Fabricated and Delivered
August 29, 2022	Pour Concrete
September 12, 2022	Compaction and Backfill
September 14, 2022	Grounding Install
September 15, 2022	Tower Erected
September 20, 2022	A&L Installation