

FCC Form 303-S
Online Public File Certification

Univision of Puerto Rico (“UPR”), parent company of the licensee, consummated its acquisition of WOLE-DT, Aguadilla, PR (the “Station”) on November 30, 2018, pursuant to FCC File No. BALCDT-20180719AAQ.¹ The responses and certifications in this Form 303-S cover only period in the Station’s license term under UPR’s ownership, and not the period when the Station was controlled by its prior owner.

While UPR can confirm that the Station diligently prepared and placed the required annual and quarterly public file reports in its FCC Online Public File on a timely basis under its current ownership, the third quarter 2019 Programs Issues Report was uploaded one day late, on July 11, 2019.

UPR submits that the Station has met the requirement in Section 73.1943(c) of the FCC rules to post political orders to the online public file "immediately, absent unusual circumstances." Although information about each order was not always posted immediately in 2020, delays in posting were the result of highly unusual circumstances – a series of earthquakes, including the largest tremor in over a century, tropical storms, an unprecedented pandemic, and the resulting government and company measures that were needed to address these public emergencies. These unusual circumstances in 2020 resulted in President Trump declaring a state of emergency and the FCC activating its Disaster Information Reporting System for the entire island more than once. In the interest of transparency, however, UPR is providing additional information in this exhibit.

Following a review of its public file, the Station reports the following:

- Spots for Michael Bloomberg, former candidate for President, were contracted for on January 14th and 20th, 2020 and posted to the public inspection file February 11th. Another spot for Michael Bloomberg was contracted for February 28th, 2020 and posted March 9th.
- Spots for Evelyn Vazquez, candidate for Puerto Rico Senate, were contracted for on July 6th, 2020 and uploaded on July 17th, contacted for on July 17th, 2020 and posted August 8th, and contracted for July 31st, 2020 and posted August 8th.
- Spots for Isidro Negron, candidate for Mayor of San German, were contracted for on July 15th and 17th, 2020, and posted August 7th.
- Spots for Sergio Ortiz, candidate for Mayor of Isabella, were contracted for July 22nd, 2020 and posted August 8th, and contracted for July 30th, 2020, and posted August 11th.
- A spot for Eduardo Bhatia, a candidate for Governor, was contracted for on July 6th, 2020 and posted July 20th. Upon returning from COVID-related furlough, the employee

¹ The Station is licensed as a satellite of WLII-DT, Caguas, PR.

responsible for posting to the public file realized that paperwork for this spot had not been posted.

- A spot for Yanitsia Irizarry, candidate for Mayor of Aguadilla, was contracted for on March 24th, 2020 and posted on April 8th.
- A spot for Ada Garcia Montes, candidate for Puerto Rico Senate, was contracted for July 14th, 2020 and posted August 7th.
- A spot for Arturo Hernandez, former candidate for Mayor of Moca, was contracted for July 17th, 2020 and posted July 30th, prior to the start of that flight on August 3rd.
- Local issue ads from the Growing Economic Opportunities PAC, supporting the New Puerto Rico Progressive Party, were contracted for July 9th, 2020 and posted July 20th, and contracted for July 17th, 2020 and posted July 27th.
- A spot for Sonia Pacheco, a candidate for the Puerto Rico Senate, was contracted for July 17th, 2020 and posted July 27th.
- A spot for Jose Che Perez, a candidate for Puerto Rico House of Representatives, was contacted for July 21st, 2020 and posted July 30th, prior to the August 2nd start date for the flight.
- Two spots for Carlos Delgado Altieri, a candidate for Governor, were contracted for on July 22nd, 2020 and uploaded July 30th. However, these flights did not begin until August 2nd and 3rd, after they were posted to the file.
- 20 other spots, most airing in July and August of 2020, were posted from 2-5 business days after they were contracted, although 10 of those spots were posted before or on the day the flight actually began airing.

UPR submits that the Commission should find that the Station has complied with the requirement to post political information “immediately, absent unusual circumstances” given the unusual circumstances experienced in Puerto Rico. While all parts of the United States have suffered a very challenging year, the situation in Puerto Rico has been especially difficult, given the combination of both natural disasters and the pandemic.

Background on Puerto Rico in 2020. Puerto Rico “has been facing a cascade of crises over the last few years,” as it continues to recover from Hurricane Maria, which became “the deadliest U.S.-based natural disaster in 100 years” after killing more than 2,900 people.² These crises came to a head in 2020.

In January, a ten-day series of earthquakes on the island climaxed with a tremor of 6.4 magnitude, followed by aftershocks of up to 6.0 magnitude. These earthquakes left thousands of Puerto Ricans homeless, cut power to almost the entire island, and stranded 300,000 households without running water. The Associated Press reported that the 6.4-magnitude

² “FEMA acknowledges Puerto Rico lacks rebuilt homes and a hospital to survive COVID-19,” Nicole Acevedo, July 24, 2020, NBCNews.com, <https://www.nbcnews.com/news/latino/fema-acknowledges-puerto-rico-lacks-rebuilt-homes-hospital-survive-covid-n1234810>.

earthquake was the strongest to hit Puerto Rico in over 100 years. Governor Wanda Vásquez declared a state of emergency and activated the territory's National Guard,³ and the FCC activated its Disaster Information Reporting System for all counties and municipalities in Puerto Rico.⁴

Just two months after the strongest earthquake on the island in over a century, a rising tide of Coronavirus (COVID-19) infections forced Governor Vásquez to announce an island-wide curfew of 9:00 p.m. and order most businesses shut down, in what the New York Times described as "some of the most widespread restrictions yet seen in the United States." The only exempt businesses were supermarkets, restaurants offering carryout or delivery, pharmacies, medical equipment stores, gas stations and some banks. Violators could be punished with a fine of up to \$5,000 or six months in jail.⁵

On May 2nd, 2020, in the midst of these initial COVID-19 restrictions, yet another earthquake struck southern Puerto Rico, with a 5.4-magnitude, knocking out power and forcing the relocation of at least 50 families. Puerto Rico Health Secretary Lorenzo González described the quake during the pandemic as "a crisis on top of another crisis." Gov. Vásquez cautioned residents that "We're up against an emergency situation, but we can't forget that the most lethal one we have in our hands is COVID-19."⁶

Although Governor Vásquez originally had planned to loosen certain COVID-related restrictions over the summer, a dramatic resurgence in cases led her to reverse course and announce major new restrictions on July 16th, 2020, including an island-wide curfew from 10 p.m. to 5 a.m. from Monday to Saturday, with exceptions made only for emergencies. On Sundays, residents were allowed to leave home only to go to the pharmacy, grocery store, hospital, or medical appointments. Certain cities and towns across Puerto Rico have also instituted even stricter closures.⁷ Congresswoman Nydia Velazquez observed at a Congressional hearing in July, 2020 that "Puerto Rico has a surge in infections that is one of the highest, if not the highest, on the mainland."⁸ Over the week of July 19th, 2020, Puerto Rico's Health Department reported that the number of confirmed COVID-19 cases jumped by more than 1,500, to nearly 4,800, with at

³ "6.4 quake strikes Puerto Rico amid heavy seismic activity," Danica Coto, AP News, January 7, 2020. <https://apnews.com/e2ec8e9bd12aea8aff6b240976897389>.

⁴ "Communications Status Report for Areas Impacted by Puerto Rico Earthquakes," January 8, 2020, FCC Document No. 361762A1, <https://docs.fcc.gov/public/attachments/DOC-361762A1.pdf>.

⁵ "Puerto Rico Orders Coronavirus Lockdown. Violators Could Be Fined," Edmy Ayala and Patricia Mazzei, New York Times, March 15, 2020.

⁶ "Damage reported as 5.4-magnitude quake strikes Puerto Rico," Danica Coto, Associated Press, https://www.dailystandard.com/world_news/1254/damage-reported-as-54-magnitude-quake-strikes-puerto-rico.

⁷ "Puerto Rico's Tourism Reopening Delayed Indefinitely Due to COVID-19," Lyndsey Matthews, Afar.com Magazine, Aug 20, 2020, <https://www.afar.com/magazine/is-puerto-rico-reopening-and-when-will-i-be-able-to-visit>; CDC Warning – Level 3, COVID-19 risk in Puerto Rico is high, <https://wwwnc.cdc.gov/travel/notices/warning/coronavirus-puerto-rico>

⁸ "FEMA acknowledges Puerto Rico lacks rebuilt homes and a hospital to survive COVID-19," *supra*.

least 191 deaths to date.⁹ As of September 26th, 2020, the Johns Hopkins Coronavirus Research Center reports there have been over 44,000 confirmed cases of COVID-19 on the Island, about 12% of all residents tested.¹⁰

Two weeks after the Governor imposed the new pandemic-related restrictions, Tropical Storm Isaiás battered the island with gusts of up to 56 miles per hour, causing landslides, closing roads, and leaving almost half a million people without electricity, all in the midst of the coronavirus pandemic. The National Weather Service issued a flash flood warning for the south, north, and east of the island, and parts of San Juan were flooded. The Associated Press reported that “the storm’s powerful winds in Puerto Rico, still recovering from other hurricanes and earthquakes, has transformed several streets into fast-flowing rivers and toppled trees and some telephone and electrical cables.” The storm left more than 100,000 people without fresh water, and knocked out 14 percent of the island’s cell towers. Families were reluctant to leave their homes, however, for fear of being exposed to COVID-19 at public shelters. President Trump declared a state of emergency, authorizing FEMA to allocate federal resources to “alleviate the difficulties and suffering caused by the emergency in the population.”¹¹

Less than a month later, Tropical Storm Laura hit Puerto Rico on August 22nd, 2020, with winds gusting up to 67 mph and heavy rainfall in southern and eastern portions of the island, leaving about 200,000 homes and businesses without power, triggering landslides and closing at least one road. The Associated Press reported that 10,000 residents had no source of fresh water. Governor Vázquez declared a state of emergency and warned residents to stay inside,¹² and the FCC again announced that it was again activating its DIRS for all counties in Puerto Rico due to the tropical storm.¹³

Impact on the Station. In compliance with the Governor’s March 15th COVID lockdown order, UPR directed all employees whose job function was not essential to the physical plant to work from home, including the Station employee charged with maintaining the Station’s public inspection file and the Station’s sales employees. Working from home during the pandemic made coordination between employees involved in political broadcast orders and employees charged with posting related paperwork more difficult. Employees working from home in

⁹ *Id.*

¹⁰ <https://coronavirus.jhu.edu/region/us/puerto-rico>.

¹¹ “Storm Isaiás leaves thousands of Puerto Ricans without light amid pandemic,” Dominican Today, July 30, 2020, <https://dominicantoday.com/dr/local/2020/07/30/storm-isaias-leaves-thousands-of-puerto-ricans-without-light-amid-pandemic>; “Tropical Storm Isaias Hits Puerto Rico, Dominican Republic,” Voice of America News, July 31, 2020, <https://www.voanews.com/americas/tropical-storm-isaias-hits-puerto-rico-dominican-republic>; “Hurricane Isaias heads toward Bahamas and Florida after battering Dominican Republic as a tropical storm,” Jason Hanna and Amir Vera, CNN, July 31, 2020; <https://www.cnn.com/2020/07/31/weather/hurricane-isaias-forecast/index.html>.

¹² “Tropical Storm Laura Kills at Least 13 People in Haiti, Dominican Republic,” Jan Wesner Childs and Ron Brackett, Weather.com, August 24 2020, <https://weather.com/news/news/2020-08-22-tropical-storm-laura-puerto-rico-dominican-republic-cuba-haiti>.

¹³ FCC Public Notice, DA 20-918, released August 21, 2020, <https://www.fcc.gov/document/fcc-activates-disaster-information-reporting-tropical-storm-laura>.

Puerto Rico must rely upon broadband networks which the FCC has recognized are in need of repair and improvement since the devastation of Hurricane Maria.¹⁴ And UPR's employees, like all Puerto Rico residents, have had to cope with the impact of earthquakes and tropical storms and take measures to protect their own families.

In addition, UPR was forced to take certain measures to blunt the severe economic impact of the pandemic in Puerto Rico. From May to August, approximately 20 UPR employees were subject to these furloughs, including the individual primarily responsible for maintaining the Station's public file.

In short, highly unusual circumstances impacted the Station's ability to meet the requirement that all political orders be posted immediately. Of the spots reported above for which information was not posted within 24 hours, most aired in the Summer of 2020, at the height of the pandemic. Employees were working and coordinating paperwork from home, subject to COVID-related furloughs, and simultaneously taking steps to protect their own families. A natural disaster warranting a federal state of emergency, and activation of the FCC's Disaster Information Reporting System, constitutes an "unusual circumstance." A series of such emergencies and activations – what the Puerto Rico government called "a crisis on top of another crisis" -- is even more unusual. For the same reasons the Commission has granted broadcasters in Puerto Rico special temporary authority to operate out of parameters during a weather emergency, it should recognize such emergencies as unusual circumstances for purposes of the public file posting requirements.

To be clear, Univision recognizes the importance of posting political information to the public file "immediately" absent unusual circumstances. With the benefit of experience in dealing with the unusual circumstances facing Puerto Rico in 2020, and despite ongoing resource challenges, UPR has worked with its employees involved in the political sales process to emphasize the need for timely posting of relevant documentation even in adverse circumstances such as this year's events. UPR also has designated a backup employee responsible for the public inspection file in the event the primary employee is not available for any reason.

¹⁴ On September 18th, 2020, the Governor of Puerto Rico and the White House announced the approval of \$13 billion in additional relief funds from FEMA, one of the "largest grants ever" according to the White House, to help restore the island's electrical infrastructure. "Trump administration announces \$13 billion in additional aid to Puerto Rico," [Jim Acosta](https://www.cnn.com/2020/09/18/politics/trump-aid-puerto-rico/index.html) and [Betsy Klein](https://www.cnn.com/2020/09/18/politics/trump-aid-puerto-rico/index.html), CNN.com, September 18, 2020
<https://www.cnn.com/2020/09/18/politics/trump-aid-puerto-rico/index.html>