

REQUEST FOR WAIVER

Telecinco, Inc., licensee of Station WRFB(TV), Carolina, Puerto Rico (Fac. Id. 54443) (the “Station”), hereby requests a waiver of Section 73.3700(c) of the Commission’s rules. This request is submitted pursuant to Section 1.3 of the Commission’s rules, and in accordance with the guidance provided by the FCC in its January 11 Public Notice.¹

As noted in the *January 11 Public Notice*, many stations in Puerto Rico, including the Station, suffered significant damage to its transmission facilities as the result of Hurricane Maria. With respect to the Station, Hurricane Maria completely destroyed the Station’s post-Incentive Auction transmitter site specified in its construction permit authorization. As a result, the Station has remained silent since Hurricane Maria, and contemporaneously with this request, Telecinco is seeking special temporary authority to remain silent so that it can construct its post-Incentive Auction facilities.

In light of its silent status, the Station will not be able to broadcast the consumer education public notices specified in Section 73.3700(c) of the Commission’s rules starting 30 days before the Station commences operation on its post-Incentive Auction channel. The FCC anticipated that certain stations may face this difficulty, and the *January 11 Public Notice* indicated that stations silent since Hurricane Maria could seek a waiver of Section 73.3700(c), and provide the following information:

1. an explanation describing why the station is unable to comply with the existing consumer education requirements;
2. an alternative but comparable means the station will use to notify viewers of the station’s new channel; and
3. an explanation of why grant of the waiver request complies with the Commission’s general waiver standard.²

With respect to the first requirement, as noted above, the Station is unable to comply with the specific requirements set forth in Section 73.3700(c) because it is not currently providing an over-the-air broadcast signal. Thus, the Station cannot provide the required on-air PSAs or crawls.

¹ See 47 C.F.R. 1.3 (2018); See also *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, 141 (rel. Jan. 11, 2018) (the “*January 11 Public Notice*”)

² *Id.*

Instead, Telecinco proposes the following alternative methods to provide the requisite notice to consumers in its viewing area:

1. include information about the Station's post-Incentive Auction transition on the website that the Station shares with co-owned Station WORA-TV;
2. include information about the Station's post-Incentive Auction transition on the social media platforms (Facebook and Twitter) that the Station shares with co-owned Station WORA-TV;
3. include information about the Station's post-incentive Auction transition in crawls that will run on co-owned Station WORA-TV prior to the Station's commencement of operations.

These activities are consistent with the Commission's consumer education requirements and likely to reach most viewers interested in learning about Station's operating status. Indeed, Licensee has every incentive to ensure that viewers have ample notice of Station's return to air on its post-auction facilities and reasonably believes that these methods will reach its viewers.

Third, grant of the waiver request complies with the Commission's general waiver standard. The FCC may grant a waiver for good cause shown. 47 C.F.R. § 1.3. The agency typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest. *See N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

In the *January 11 Public Notice*, the Commission recognized that the devastating effects of Hurricane Maria make strict compliance with the consumer education requirement impossible. Grant of the instant waiver request will permit Telecinco to provide consumer education through the proposed alternative means will achieve the FCC's goals of minimizing consumer confusion and ensuring a smooth transition.

Therefore, in light of the commitments provided herein, Telecinco, Inc., respectfully requests that the FCC grant a waiver of Section 73.3700(c) consumer education requirements.