

Amended Request for Tolling of Repack Construction Permit

NCE TV Station WQTO, Ponce, PR (Facility ID 2175)

Sistema Universitario Ana G. Mendez, Inc. (“SUAGM”), licensee of noncommercial educational television Station WQTO, Ponce, Puerto Rico, hereby respectfully requests that the Commission toll the period of construction for the station due to causes not under SUAGM’s control – namely, the widespread devastation in Puerto Rico and continuing recovery challenges resulting from Hurricane Maria, clearly an Act of God under Section 73.3598 (b)(1) of the Commission’s rules. SUAGM has worked diligently and successfully to return sister NCE station WMTJ, Fajardo, Puerto Rico, to the air, but as a result of hurricane-related delays, SUAGM needs more time to complete construction of the station’s repack facilities at each of the two WQTO DTS sites.

Although completion of the new facilities for WQTO is expected within the next month or so, out of an abundance of caution, and in light of continuing construction challenges as reported below, SUAGM seeks tolling for a period of six (6) months, or until July 28, 2019.

In connection with the post-incentive auction spectrum repack process, WQTO, Ponce, Puerto Rico, is moving from Channel 25 to Channel 19 (See LMS Construction Permit File No. 0000028318). Pursuant to the Commission-approved Island-wide schedule for repacking Puerto Rico TV stations, the deadline for completion of construction of the repacked facilities was changed to August 1, 2018. However, due to matters beyond SUAGM’s control, it was unable to complete construction by that date, and the Commission granted an extension of the WQTO construction permit through January 28, 2019. See, LMS File No. 0000055390. The Commission also granted a silent STA for WQTO (LMS File No. 58851) through February 15, 2019.

SUAGM has previously informed the Commission that is believed it would be able to timely complete construction and (pursuant to STA) commence broadcasting over the completed post-repack facilities of WQTO DTS 1, but SUAGM sought to toll the WQTO construction permit deadline for WQTO DTS 2. The plan was that, once DTS 1 was complete, the tower riggers would move to DTS 2 and their work would be completed, and the transmitter manufacturer would be able to complete the installation of the transmitter facilities for DTS 2.

Unfortunately, during the last week, SUAGM experienced unanticipated difficulties with the installation of the WQTO DTS 1 site. The tower riggers began their work at DTS 1 by removing the old antenna and transmission line and “cleaning up” the tower. Then they installed the antenna mount. But when they were ready to start the installation of the antenna last week, they realized the factory had not sent a “shop drawing” showing how the antenna was to be mounted. SUAGM finally obtained a shop drawing electronically late on Thursday, January 24, but it appears that either the shop drawing is not correct, or required parts are missing, because the riggers don’t believe they are going to be able to mount the antenna as shown in the shop drawing. The factory has been contacted again and SUAGM and the riggers are waiting for a further answer. As a result of these issues, WQTO DTS Site 1 will not be completed by today’s deadline, and the actual timing of completion (in terms of additional days or weeks) is not yet known.

In addition, as previously reported, the repack facilities for DTS Site 2 are also not yet finished. This is due the scarcity of and schedules of tower crews and the availability of transmitter engineers in Puerto Rico resulting from Hurricane Maria damage to broadcast facilities and the resulting rush of virtually all Puerto Rico repacked television stations to return to the air at the same time. Therefore, for reasons beyond SUAGM's control, and despite great diligence on its part, SUAGM cannot yet in commence program test authority on WQTO and file its license application for the station.

Tolling the WQTO construction permit pending the completion of final work will serve the public interest by preserving the WQTO CP and license, and the unique PBS public television programming the station will exclusively provide to large portions of the station's coverage area (SUAGM's NCE stations WMTJ and WQTO being the exclusive PBS member stations in Puerto Rico), while SUAGM takes the necessary steps to complete the station's post-auction repack process, first for DTS 1 and then for DTS 2.

To the extent necessary, SUAGM also hereby seeks waiver of Section 73.3598(c) of the rules, which requires notification to the Commission "as promptly as possible, and in any event within 30 days," of any pertinent event justifying tolling of a construction permit under Section 73.3598 (b). Although Hurricane Maria of course took place over a year ago, and its devastating effects on Puerto Rico and SUAGM and other broadcasters have been apparent since that time, SUAGM has just in the past few days come to realize that these effects would in fact cause SUAGM not to meet the deadline for full construction of the repack facilities for WQTO.

SUAGM is a noncommercial educational licensee and it operates WQTO on a noncommercial educational basis. The licensee is therefore exempt from FCC filing fee requirements, pursuant to Section 1.1116 of the Commission's Rules, and the facility is exempt from FCC regulatory fees, pursuant to Section 1.1162 of the Rules.