

## **TOLLING REQUEST**

Telecinco, Inc. (“Telecinco”), licensee of full-power television Station WRFB(DT), Carolina, Puerto Rico (Facility ID No. 54443) (the “Station”), respectfully requests that the construction permit authorizing the Station to modify its facilities to operate on its post-auction channel (0000026985) (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 a result of the FCC’s Incentive Auction, the Station was reassigned to Channel 30. After the completion of the Incentive Auction, the Station timely filed a modification application for the repacked facilities assigned by the Commission. However, before any construction could be completed, the Station’s tower and transmission facilities sustained substantial damage during Hurricane Maria in September 2017. Because there was substantial damage caused to television stations licensed to communities throughout Puerto Rico, the FCC 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 construction of its authorized post-Incentive Auction facility prior to the August 1 deadline, Telecinco requested and received authorization to extend the CP Authorization deadline (0000055271). Additionally, Telecinco requested and received special temporary authority to operate with interim facilities while it worked to complete construction of the facilities set forth in the CP Authorization (0000055269). While the Commission extended Telecinco’s STA authorization on December 20, 2018, the instant request seeks additional time to construction the CP Authorization, which will expire on January 28, 2019.

Previously, Telecinco detailed the substantial damage caused by Hurricane Maria, which included the complete destruction of the Station’s tower, and substantial damage to the related transmission facilities. Telecinco has taken substantive steps to complete construction of its post-Incentive Auction facility. Specifically, Telecinco has ordered the replacement tower set forth in the CP Authorization. Moreover, Telecinco has received competing proposals for the tower’s foundation, construction and erection. Telecinco is still waiting for local zoning approval for the construction of the new tower.

Once the local zoning approval is granted, Telecinco can move forward with accepting the appropriate bids, and establish a tower delivery and construction schedule. Assuming that the local zoning authority is granted on a timely basis, Telecinco reasonably believes that the the Station’s permanent facilities will be completed by July 2019. Therefore, Telecinco respectfully requests that the construction permit be tolled for 180 days.

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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)

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 constitutes an Act of God justifying tolling. Further, tolling of the construction permit will not impact the overall transition schedule or cause interference to other stations.

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