

Virgin Islands Public Broadcasting System
WTJX-TV, Charlotte Amalie, VI
Facility ID No. 70287
LMS File No. 0000025655
As extended by LMS File No. 0000072190
And tolled by LMS File No. 0000084077

Request for Continued Waiver of Tolling Rule

Virgin Islands Public Broadcasting System (“VIPBS”), licensee of noncommercial educational station WTJX-TV, Charlotte Amalie, Virgin Islands, Facility ID No. 70287 (the “Station”), hereby respectfully submits its request for continued waiver of the tolling rules and further extension of its post-auction construction permit (“CP”) for the Station’s post-auction facility.¹ See LMS File No. 0000084077 (Request and Amendment to Request for Waiver of Tolling Rule); see also LMS File No. 0000025655 (CP) and LMS File No. 0000072190 (Extension of CP). VIPBS submits this request for a 180-day extension of its post-auction CP and to provide additional information on its construction plans and timeline.

The Commission’s rules allow for one post-transition construction permit extension of up to six months.² Additional requests for extensions of time fall under the Commission’s tolling rule.³ A licensee that does not qualify for tolling under this rule but can demonstrate that “rare and exceptional circumstances” prevented the construction may still apply to toll the expiration.⁴

The Station is currently operating on its repack channel, pursuant to STA, from a side-mounted antenna on the Station’s licensed 250’ tower. *See* LMS File No. LMS File No. 0000060812, *as extended by* LMS File No. 0000072192 and LMS File No. 0000088194. After rebuilding its adjacent 100’ auxiliary tower, VIPBS plans to move the WTJX-TV repack channel antenna temporarily to the 100’ tower while VIPBS, at the recommendation of its contractors, completely rebuilds its 250’ tower.

The 100’ auxiliary tower rebuild has been completed. However, before VIPBS can install its licensed auxiliary antenna on the 100’ tower, the contractor must address and resolve lighting and painting issues with FAA. While VIPBS had previously estimated these issues would be resolved by the end of 2019, there have been further delays to the process. In addition to this request, VIPBS is requesting an extension of its STA to continue to operate from the side-mounted antenna on the Station’s 250’ tower.

It is anticipated that demolition of the current 250’ tower and reconstruction can begin as soon as the lighting and painting issues on the 100’ tower are resolved and the equipment can be moved from the side-mounted antenna on the existing 250’ tower to the 100’ tower. The rebuild of the

¹ To the extent necessary, VIPBS requests a waiver of the Commission’s rules. *See* 47 C.F.R. § 73.3700(b)(5)(iv).

² 47 C.F.R. § 73.3700(b)(5); see also LMS File No. 0000072190.

³ 47 C.F.R. § 73.3598(b).

⁴ See 1998 Biennial Regulatory Review - Streamlining of Mass Media Applications, Rules, and Processes, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17542, para. 42 (1999) (recognizing that there may be “rare and exceptional circumstances” beyond the control of the licensee that do not fall under the tolling provisions, but “which would warrant the tolling of construction time.” The Commission concluded that in such “limited circumstances” it would entertain requests for waiver of its “strict tolling provisions.”).

Virgin Islands Public Broadcasting System
WTJX-TV, Charlotte Amalie, VI
Facility ID No. 70287
LMS File No. 0000025655
As extended by LMS File No. 0000072190
And tolled by LMS File No. 0000084077

250' tower includes removing the upper antennas from the tower, a three to four month permitting process, and tower fabrication and transit to the site, which will take approximately 16 weeks and can run concurrently to the permitting process. Construction work will likely take another two months. The entire rebuild is expected to take approximately six months.

For the foregoing reasons, VIPBS hereby respectfully requests an additional 180-day extension of its post-auction CP.