

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) and LMS File No. 0000109082 (Request for Continued Waiver of Tolling Rule); *see also* LMS File No. 0000025655 (CP); LMS File No. 0000072190 (Extension of CP); and LMS File No. 0000109081 (Further Extension of CP). VIPBS submits this request for a further 180-day extension of its post-auction CP and provides additional information on construction plans and anticipated timeline, which have been affected by the recent global pandemic.

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 continues to operate 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, LMS File No. 0000088194 and LMS File No. 0000109081. VIPBS has rebuilt its 100’ auxiliary tower and plans to move the WTJX-TV repack channel antenna temporarily to the 100’ tower while the 250’ tower is rebuilt.

The rebuilt 100’ auxiliary tower is less than 150 feet from the 250’ tower, allowing VIPBS to resolve previous lighting and painting issues with FAA. However, VIPBS was required to file a correction with FAA, which is currently pending, to correct the coordinates for the 250’ tower.

In August 2020, VIPBS received a proposal from its contractor to replace the 250’ tower, which estimates the work will be completed by March 2021. The proposed timeline includes (1) obtaining the necessary permits for the 250’ tower rebuild, (2) installing the interim/auxiliary antennas on the 100’ tower, (3) removing the antennas from the 250’ tower, (4) dismantling the 250’ tower, (5) modifying the foundation, and (6) erecting the new 250’ tower. However, 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 Nos. 0000084077 and 0000109082

pending correction with FAA, and the Virgin Islands' quarantine and testing requirements as a result of the current global pandemic are likely to delay the contractor's timeline. In the meantime, in addition to this tolling request, VIPBS is requesting an extension of the STA to continue operations from the side-mounted antenna on the Station's 250' tower.

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