

## Tolling Request

Puerto Rico Public Broadcasting Corporation, Inc. (“PRPBC”), licensee of full-power television Station WIPR-DT, San Juan, Puerto Rico (Facility ID No. 53859) (the “Station”), respectfully requests that the deadline set forth in the construction permit authorizing the Station to modify its facilities to operate on its post-auction channel (0000034681) (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 26. After the completion of the Incentive Auction, the Station timely filed a modification application for the repacked facilities assigned by the Commission. However, in September 2017, before any construction could be completed, the Station’s tower and transmission facilities sustained substantial damage during Hurricane Maria. 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 the construction of its authorized post-Incentive Auction facility prior to the August 1, 2018 deadline, PRPBC requested and received authorization to extend the CP Authorization deadline (File No. 0000055291). Additionally, PRPBC has 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 (File No. 0000055289, as most recently extended by File No. 0000141194). The STA authorization (as extended) and the CP Authorization both are due to expire on July 27, 2021.

On several prior occasions, PRPBC has set forth in detail the substantial damage caused by Hurricane Maria, which included the complete destruction of the Station’s tower owned by another Puerto Rico broadcaster, and substantial damage to the related transmission facilities and to the real property itself.

The owner of the site on which the Station’s tower was located is the Puerto Rico Department of Natural Resources (“DRNA”). The tower that was located there (until Hurricane Maria knocked it down) was owned by WAPA-TV. After WAPA-TV informed PRPBC of its decision not to rebuild the tower, PRPBC then entered into an agreement directly with DRNA to erect a new tower at the site. Although no further local approvals are necessary in order to start construction, because the tower will be over 700 feet tall, it will require FAA approval. The request for FAA approval currently is pending.

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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).

PRPBC has taken substantive steps to complete the construction of its post-Incentive Auction facility. Although it likely will take approximately 12 more months in order to complete construction of the tower and the associated transmitter shelter, as evidence of PRPBC's good faith efforts to resume operating the Station from the DRNA (licensed) site, PRPBC has ordered a transmitter for the Station, which is ready for shipment, and PRPBC expects to receive the associated antenna and transmission line sometime in the Fall of 2021. In addition, the tower manufacturer is scheduled to be at the site in late July 2021 to finalize the tower layout and at that time will provide a clearer indication as to when the tower will be installed. Along with the tower installation, PRPBC also will construct a new transmitter building, plus other related installations. The Commission's repack administrator approved funds for the construction of the Station's new tower.

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 – and the ongoing issues associated with the COVID-19 pandemic – together constitute 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, PRPBC respectfully requests that the CP Authorization be tolled for a period of 180 days.