

## Tolling Request

Puerto Rico Public Broadcasting Corporation, Inc. (“PRPBC”), licensee of full-power television Station WIPM(DT), Mayaguez, Puerto Rico (Facility ID No. 53863) (the “Station”), respectfully requests that the construction permit authorizing the Station to modify its facilities to operate on its post-auction channel (0000024551) (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 32. 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 damage due to 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. 0000055292). 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. 0000055290, as most recently extended by File No. 0000141195). The STA authorization (as extended) and the CP Authorization both are due to expire on August 2, 2021.

PRPBC has taken substantive steps to complete the construction of its post-Incentive Auction facility, but because the Station is on the same tower as Station WNJX, and due to the lack of certified tower riggers, these efforts were delayed.<sup>2</sup> Although Station WNJX has been able to complete its work and has filed an application for a license to cover its post-Incentive Auction facility, unfortunately, due to a reorganization within the local government on Puerto Rico, there have been delays in obtaining final approval from the new agency that now controls the purchase of equipment and services for PRPBC for the storage and transportation costs associated with delivering the Station’s transmitter to the transmitter site. PRPBC expects that the governmental agency will issue its final approval soon, so that the transmitter can be delivered to the transmitter site by the end of August 2021. The transmitter installation may begin within two weeks after the delivery of the Station’s transmitter, and be completed within a few weeks thereafter. The Station’s antenna installation is complete and the transmission line has to be tested to verify if the efforts to dry the transmission line were successful. However, there could be some delays if additional work or replacement of the transmission line is necessary, or

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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).

<sup>2</sup> The reconstruction efforts of the tower for Station WNJX (and Station WIPM) were detailed in the most recent Tolling Request filed by Station WNJX’s licensee. See File No. 0000139098.

if there are additional delays occur due to the COVID-19 pandemic. Overall, PRPBC is hopeful that all work will be completed by the end of September 2021.

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 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 not to exceed 180 days, although PRPBC anticipates that the full 180-day period may not be necessary in order to complete construction of the CP Authorization.