

Request for Tolling of Construction Permit

Televiscentro of Puerto Rico, LLC, licensee of Station WAPA-TV, San Juan, Puerto Rico, Facility ID No. 52073 ("WAPA-TV"), pursuant to Section 73.3598(b) of the Commission's rules, hereby requests that Construction Permit 0000055015 be tolled.

Background

WAPA-TV's tower was destroyed during Hurricane Maria. Following the hurricane, WAPA-TV filed a minor modification application requesting authority to construct new transmitting facilities at a tower owned by Telemundo of Puerto Rico ("Telemundo") (File No. 0000055015). Station WKAQ-TV, San Juan, Puerto Rico, which is owned by Telemundo, has authority to use the WAPA-TV antenna as an auxiliary antenna. (See File No. 0000032015). The modification application was granted on July 30, 2018. WAPA-TV and Telemundo were able to procure, install and begin using the new antenna and combiner in mid-2019. However, WAPA-TV has not been able to install the new transmitter authorized in the CP because it has been unable to complete the extensive modifications to the tower and the transmitter building that are required. WAPA-TV has been using the new antenna under an STA to operate with reduced power. The extensive damage caused to the entire power grid and infrastructure in Puerto Rico that resulted from Hurricane Maria caused extensive demand for construction crews and materials. This extensive demand resulted in lengthy delays which were exacerbated because of the high demand for crews in both Puerto Rico and the continental United States due to the ongoing repack of the television spectrum. Earthquakes that occurred in 2019 and 2020 caused additional damage in Puerto Rico and this damage, as well as government-mandated shut-downs due to COVID-19, further exacerbated the delays in obtaining crews and materials.

Justification for Tolling

WAPA-TV was able to begin constructing modifications to the transmitter building over a year ago and has continued to make some progress. However, because of the shortage in construction crews and materials described above, it has been unable to complete the required construction. WAPA-TV respectfully submits that these circumstances demonstrate that natural disasters, including hurricanes and earthquakes, and other circumstances beyond the control of WAPA-TV will prevent it from completing the construction of its modified facilities prior to expiration of the construction permit on July 30, 2021. Tolling of the construction permit is therefore justified in accordance with Section 73.3598(b) of the rules. At this time, WAPA-TV is continuing to take all possible steps to complete the necessary construction as expeditiously as possible and is hopeful that construction will be completed by the end of the year. Tolling of the construction permit will serve the public interest because it will allow

WAPA-TV to continue operating at reduced power while it completes construction of the modified facilities.¹

¹ In the event that the Bureau does not grant the requested tolling, WAPA-TV respectfully submits that a waiver of Section 73.3598 of the rules would be in the public interest because as explained herein, rare and exceptional circumstances beyond WAPA-TV's control have encumbered construction of the modified facilities. *See Stuart W. Nolan, Jr. Esq.*, 31 FCC Rcd 11716 (2016).