

Extension of Tolling Request

Telecinco, Inc. (“Telecinco”), licensee of full-power television Station WRFB(DT), Carolina, Puerto Rico (Facility ID No. 54443) (the “Station”), respectfully requests that the construction permit authorizing the Station to modify its facilities to operate on its post-auction channel (0000026985) (the “CP Authorization”), be tolled in accordance with Section 73.3598(b) of the FCC’s rules. The Commission previously granted tolling of the CP Authorization (0000067310), and three requests for an extension of the tolling (0000082223, 0000141020, 0000153595). The current tolling will expire on September 30, 2021. As discussed below, approval of the instant request for a further extension of the tolling is consistent with Commission rules and will serve the public interest.

By way of background, the Station was reassigned to Channel 30 as a result of the FCC’s Incentive Auction. After the completion of the Incentive Auction, the Station timely filed a modification application for the repacked facilities assigned by the Commission. However, before any construction could be completed, the Station’s tower and transmission facilities sustained substantial damage during Hurricane Maria in September 2017. Because there was substantial damage caused to television stations licensed to communities throughout Puerto Rico, the FCC adjusted the transition deadline for affected stations.¹ 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 construction of its authorized post-Incentive Auction facility prior to the August 1 deadline, Telecinco requested and received authorization to extend the CP Authorization deadline (0000055271). Additionally, Telecinco 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 (0000055269). The Station resumed operations on February 23, 2019, and is operating with the interim reduced-power facilities authorized by special temporary authority.

Previously, Telecinco detailed the substantial damage caused by Hurricane Maria, which included the complete destruction of the Station’s tower, and substantial damage to the related transmission facilities. Telecinco has taken substantive steps to complete construction of its post-Incentive Auction facility. Specifically, Telecinco has ordered the replacement tower set forth in the CP Authorization, and has received all necessary transmission except for the tower.

Telecinco’s previous tolling requests were based on the long delay to receive local zoning approval for the construction of the new tower. In early March 2021, Telecinco finally received approval from the local zoning board but is still required to submit the final construction plan and pay the local construction taxes. As noted, Telecinco has received all necessary equipment to construct the facility, except for the tower that was to be constructed by ERI, and installed by ERI’s local contractor. Due in part to the COVID-19 pandemic, ERI’s local contractor has gone out of business, requiring ERI to complete both the construction and installation of the tower.

¹ 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, 22 FCC Rcd 138 (2018).

ERI visited the authorized transmitter site in August 2021 to review the work that has been completed thus far, and prepared an estimate that has since been sent to the Repack Administrator for approval (0000028155). Telecinco remains on schedule to obtain the final local zoning construction permit by October 2021, and receive authorization from the FCC's repack administrator for the adjusted expenses to have ERI to complete the work. Telecinco expects that the construction of the tower will be completed, and the Station fully operational, by the end of January 2022.

Recognizing this progress, the Commission recently granted Telecinco's request to be extend the deadline to submit reimbursement requests until the March 22, 2022 deadline (0000158767). As such, tolling of the construction permit until March 22, 2022, would be appropriate to permit Telecinco to complete its work.

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 constitutes 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, Telecinco respectfully requests that the CP Authorization be tolled until March 22, 2022.