

Tolling Request

Puerto Rico Public Broadcasting Corporation (“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 noncommercial educational station that is operated as an arm of the government of Puerto Rico, the Station has limited financial resources, but nevertheless is devoted to serving viewers in Mayaguez and the surrounding areas with excellent public affairs programming. After the completion of the Incentive Auction, the Station timely filed a modification application for repacked facilities on Channel 32, as 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 Commission 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 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 (File No. 0000055292, as most recently extended by File No. 0000153938). Additionally, PRPBC has requested and received special temporary authority to operate with interim facilities while it worked to complete construction of its post-Incentive Auction facility (File No. 0000055290, as most recently extended by File No. 0000153945). The STA authorization (as extended) and the CP Authorization both are due to expire on September 30, 2021.

PRPBC has taken substantive steps to complete the construction of its post-Incentive Auction facility, but, due to reasons beyond the Station’s control, those efforts have been delayed. In particular, because the Station is on the same tower as Station WNJX, and due to the lack of certified tower riggers from the continental United States, construction was delayed for many months. Although Station WNJX has been able to complete its work and now operates with its post-Incentive Auction facility, unfortunately, the Station has been unable to complete its work due to circumstances beyond its control.

Importantly, on April 1, 2021, the Puerto Rico General Services Administration (“PRGSA”) assumed control of the procurement and purchase procedures for PRPBC. That means that PRGSA now must approve the expense order for the storage and delivery of PRPBC’s equipment. Since April 1, 2021, PRPBC has contacted the PRGSA several times per

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, 33 FCC Rcd 138 (2018).

week regarding securing the necessary approval. Unfortunately, despite PRPBC's diligence in seeking such approval and for reasons beyond PRPBC's control, the PRGSA has not provided that approval. PRPBC recently has been informally advised that PRGSA will issue its final approval during October 2021, so that the Station's equipment can be delivered to the transmitter site and work can begin sometime in late October or early November 2021.

Once the equipment is delivered to the Station's transmitter site, PRPBC expects all work to be completed within just a few weeks after delivery. 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 if there are additional delays beyond the control of PRPBC, such as hurricanes or earthquakes during the Fall, and the possibility of worsening COVID-19 infection rates, all of which are beyond PRPBC's control.

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 and the other matters beyond PRPBC's control as set forth herein – together constitute justifications for 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.