



Federal Communications Commission
Washington, D.C. 20554

March 17, 2022

Puerto Rico Public Broadcasting Corporation
P.O. Box 190909
Hato Rey, PR 00918
MLasanta@wipr.pr
(via electronic mail)

Re: Requests for Invoice Deadline
Extensions
WIPM-TV, Mayaguez, PR
WIPR-TV, San Juan, PR
Facility ID Nos. 53863 and 53859
LMS File Nos. 0000186118 and
0000186117

Dear Licensee,

On March 8, 2022, Puerto Rico Public Broadcasting Corporation (Licensee), the licensee of WIPM-TV, Mayaguez, Puerto Rico, and WIPR-TV, San Juan, Puerto Rico (WIPM, WIPR, or Station(s)), filed the above captioned requests (Requests) for extension of the Commission's invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimbursement Fund or Fund) from the second invoice filing assignment deadline of March 22, 2022, to the third and final invoice filing assignment deadline of September 6, 2022.¹ For the reasons below, we grant Licensee's Requests and extend the date of the Stations' invoice filing assignment deadline to September 6, 2022.

Background. Pursuant to the Commission's direction, the Incentive Auction Task Force and Media Bureau set deadlines for final invoice submission to the Reimbursement Fund using a phased assignment approach.² All repacked stations assigned to Phases 6 through 10 of the Transition Scheduling Plan are required to submit all remaining invoices and supporting documentation using the Reimbursement Form, and initiate interim close-out procedures, no later than March 22, 2022. We stated that we did not anticipate a need to grant extensions because the deadline is more than a year after the July 13, 2020, statutory end of the transition period and more than a year after the announcement of the invoice filing assignment deadline. However, in the unlikely event that an entity faces circumstances beyond its control, we may consider a limited extension by means of shifting an entity with the second (March 22, 2022) invoice filing assignment deadline to the third and final (September 6, 2022) invoice

¹ The third and final invoice filing deadline was set for September 5, 2022. However, because Labor Day, a federal holiday, falls on Monday, September 5, 2022, the third and last invoice filing deadline is Tuesday, September 6, 2022. See *TV Broadcaster Relocation Fund Invoice Filing Deadline Approaches In Sixty Days*, Public Notice, DA 22-72, para. 4 (MB/IATF Jan. 21, 2022).

² See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6815-16, 6819, paras. 607, 616-17 (2014) (*Incentive Auction R&O*), subsequent history omitted; *Invoice Filing Deadlines for TV Broadcaster Relocation Fund*, Public Notice, 35 FCC Rcd 11273, 11277, paras. 10-11 (MB/IATF 2020) (*Invoice Filing Deadline PN*) (setting three filing deadlines for submission of all remaining repack invoices: for eligible entities assigned repack transition completion dates in the first half of the 39-month post-auction transition period, the deadline for submitting all remaining invoices is October 8, 2021; the deadline for entities assigned completion dates in the second half of the transition period is March 22, 2022; and the deadline for all other participants in the reimbursement program is September 6, 2022).

filing assignment deadline.³ An entity requesting such a shift must provide evidence that circumstances requiring the extension were outside of its control, such as local zoning or a force majeure event occurring proximate to the final submission deadline.⁴ We will not consider the availability of reimbursement or the status of specific reimbursement requests to be a mitigating factor in evaluating extension requests and we will not grant extensions that do not provide the staff with sufficient processing time to complete close-out procedures for all stations.⁵

Licensee requests extensions of the invoice filing assignment deadline from the second (March 22, 2022) to the third and final (September 6, 2022) invoice filing assignment deadline. Both Stations transitioned to their post-auction channels and currently are operating on interim facilities from their post-auction channels.⁶ Licensee states that despite its best efforts to meet the previously-granted extension of the invoice filing deadline to March 22, 2022, however, the Stations will not be able to submit all invoices by this date because of circumstances beyond their control.

With respect to WIPM, we previously extended the invoice filing deadline to March 22, 2022, based on WIPM's assertions that it had completed installing its antenna and tested its transmission line but would not be timely invoiced due to delays in obtaining approval from the Puerto Rico General Services Administration (PRGSA) for those projects and expenses associated with storing and delivering other equipment.

WIPM now reports that construction has been delayed due to a shortage of certified tower riggers. The main transmitter has been partially installed but the manufacturer (Comark) has additional work to perform. After installation is complete, Licensee must then conduct a proof of performance test of the antenna. Comark, however, hasn't yet provided a firm timeline for completing the installation. Additionally, Licensee's consulting engineer has tested the transmission line and believes it may be interfering with the antenna's performance. Thus, the Station must hire a tower rigger to open the transmission line to identify the source of the problem. Finally, because Licensee must obtain PRGSA approval for any service contracts, Licensee believes it will not be able to hire the rigger, test the transmission line, and complete the final transmitter installation before March 22, 2022.

As for WIPR, Licensee previously reported difficulties associated with repairing and operating from the La Santa Peak, which hurricane Maria had devastated in 2017. The storm destroyed the Station's transmitter and clean-up was not completed until February 2020. Licensee had entered into a lease with the Puerto Rico Department of Natural and Environmental Resources (DRNA) to remain at that site, had ordered a transmitter, and expected to receive the associated antenna and transmission line sometime in late 2021. Licensee also had obtained FAA approval for the Station's tall tower. Licensee stated that the tower manufacturer had visited La Santa Peak in late July to finalize the tower layout and promised to provide a timeline for installation in the fall. Licensee noted that it also planned to construct a new transmitter building and other related installations.

WIPR now reports that it faces new delays. Licensee needs to be named by DRNA as the primary permittee but has not yet been able to effect that change. Licensee also must obtain approval from PRGSA to clear some areas at the site, install tower guy wires, and construct three new tower

³ See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.

⁴ *Id.*

⁵ *Id.*

⁶ See LMS File Nos. 0000186117 and 0000186118.

anchors. PRGSA has not yet approved these expenses, despite Licensee's best efforts to obtain such approval. Lastly, neither Dielectric, the manufacturer of WIPR's antenna, nor Sabre, the manufacturer of its tower, has shipped their respective equipment to the site, in part due to worldwide supply chain issues. Licensee notes that scheduling shipment dates for the equipment is beyond its control.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Stations' invoice filing assignment deadline from the second (March 22, 2022) to third and final (September 6, 2022) invoice filing assignment deadline. Licensee has demonstrated that circumstances beyond its control require the extension. We also find that grant of Licensee's request is not likely to negatively impact the staff's ability to process the Stations' invoices or its ability to complete close-out procedures for all stations. We therefore conclude that the public interest will be served by grant of the extension. We strongly encourage the Stations to diligently pursue submission of all remaining invoices and initiate close-out procedures as early as possible without waiting for the third and final (September 6, 2022) invoice filing assignment deadline. We remind the Licensee that pursuant to the Spectrum Act, the Stations are eligible for reimbursement for costs "reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other."⁷ Additional expenses incurred, such as expenses resulting from changes in a Stations' transition plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund.

We caution the Stations that we do not anticipate allowing further extensions of the final September 6, 2022 invoice filing deadline. The Stations' failure to complete any remaining construction in a timely manner and to make final submissions by the assigned invoice filing assignment deadline could preclude the Stations from receiving full reimbursement. Unobligated amounts in the Fund must be rescinded to Treasury and Commission staff (with the support of the Fund Administrator) must have sufficient time to fully process all reimbursement requests and complete close-out procedures prior to July 3, 2023.⁸ The Fund Administrator will initiate close out procedures for any entity that has failed to initiate interim close-out procedures by the September 6, 2022 invoice filing deadline. Any unused allocations made to that entity's account will be returned to the Fund and made available for allocation to other program participants or rescinded to Treasury.

In consideration of the above facts, Puerto Rico Public Broadcasting Corporation's requests for extension of invoice filing assignment deadlines **ARE GRANTED**. The invoice filing assignment deadlines for WIMP-TV, Mayaguez, Puerto Rico, and WIPR-TV, San Juan, Puerto Rico, **ARE MODIFIED TO September 6, 2022**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Mark Denbo, Esq. at MDENBO@FCCWORLD.COM

⁷ 47 U.S.C. § 1452(b)(4)(A)(i). *See also Incentive Auction R&O*, 29 FCC Rcd at 6821, para. 622 ("The appropriate scope of 'costs reasonably incurred' necessarily will have to be decided on a case-by-case basis.").

⁸ *See Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.