

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 (File No. 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 previously reported to the Commission, 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 (most recent extension: File No. 0000186997). Additionally, PRPBC has requested and received special temporary authority (“STA”) 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. 0000187001). The CP Authorization is due to expire on September 6, 2022, and the STA authorization (as extended) is due to expire on September 22, 2022.

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 during the COVID-19 pandemic, construction was delayed for many months.

On September 2, 2022, PRPBC filed an application for a license to cover the CP Authorization (File No. 0000199182) (“LTC Application”). However, on September 6, 2022, a member of the Commission’s staff informed PRPBC that the radiation center above mean sea level (“RCAMSL”) associated with the Station’s antenna deviated from the RCAMSL set forth on the Station’s CP Authorization by 17.1 meters, meaning the Commission could not grant the LTC Application as filed. PRPBC then learned that at the time that WNJX filed its minor

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).

modification application associated with its post-repack facilities, WNJX hired a surveyor, who determined that the AMSL was actually 17.1 meters higher than previously reported. WNJX then amended the antenna structure registration (ASR No. 1237284) accordingly. Unfortunately, WNJX did not apprise PRPBC at all regarding this matter.

Accordingly, PRPBC has been forced to file a request with the Commission to withdraw the pending LTC Application. As soon as the Commission processes the withdrawal request, PRPBC will file an application for a minor modification of the CP Authorization, setting forth a corrected RCAMSL. Once the Commission processes and grants such modification application, PRPBC will file another application for license to cover.

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 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 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.