



Federal Communications Commission  
Washington, D.C. 20554

September 14, 2021

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

Re: Requests for Invoice Deadline  
Extension  
WIPM-TV, Mayaguez, PR  
WIPR-TV, San Juan, PR  
Facility ID No. 53863 and 53859  
LMS File Nos. 0000158339 and  
0000158340

Dear Licensee,

On September 1, 2021, Puerto Rico Public Broadcasting Corporation (Licensee), the licensee of WIPM-TV, Mayaguez, Puerto Rico (WIPM) and WIPR-TV, San Juan, Puerto Rico (WIPR) (Stations), filed the above captioned requests (Requests) for extension of the Commission's invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimburse Fund or Fund) from the first invoice filing assignment deadline of October 8, 2021, to the second invoice filing assignment deadline of March 22, 2022. For the reasons below, we grant Licensee's Requests and extend the date of Stations' invoice filing assignment deadline to March 22, 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.<sup>1</sup> All repacked stations assigned to Phases 1 through 5 of the Transition Scheduling Plan, and repacked stations that were granted permission to transition prior to the Phase 1 testing period, are required to submit all remaining invoices and supporting documentation using the Reimbursement Form, and initiate interim close-out procedures, no later than October 8, 2021. 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 first (October 8, 2021) invoice filing assignment deadline to the second (March 22, 2022) invoice filing assignment deadline.<sup>2</sup> 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

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<sup>1</sup> 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*), *aff'd*, *Nat'l Ass'n of Broadcasters v. FCC*, 789 F.3d 165 (D.C. Cir. 2015); *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 5, 2022).

<sup>2</sup> See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.

the final submission deadline.<sup>3</sup> 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.<sup>4</sup>

Licensee requests an extension of the invoice filing assignment deadline from the first (October 8, 2021) to the second (March 22, 2022) invoice filing assignment deadline for the Stations. The Stations transitioned to their post-auction channels prior to September 11, 2019, and currently are operating from interim facilities on their post-auction channels.<sup>5</sup> Licensee states that despite its best efforts to meet the invoice filing assignment deadline, some of the Stations' expenses will be incurred near or after October 8, 2021, because of circumstances beyond its control related to the need to obtain government approvals that for WIPM have not yet been received and for WIPR were provided only recently.

With respect to WIPM, Licensee explains that the station has taken substantive steps to complete its construction but has been unable to complete the work. The Station's antenna installation is complete and the transmission line has been tested. Licensee cites to the fact that recently, on April 1, 2021, the Puerto Rico General Services Administration (PRGSA) assumed control of the procurement and purchase procedures for the Licensee. Licensee states that PRGSA must now approve the expense order for the storage and delivery of the Stations equipment. Since April 1, 2021, Licensee states that it has contacted the PRGSA several times per week regarding securing the necessary approval for certain construction related purchases. Despite these efforts, Licensee reports that the PRGSA has not yet provided the required approval. Licensee states that it is hopeful that the PRGSA will issue its final approval soon. Licensee represents that, once approval is received from PRGSA, the equipment for WIPM can be delivered to the Station's transmitter site, work may begin within two weeks thereafter, and it is expected that all work will be completed within just a few weeks after delivery.

As for WIPR, Licensee notes that the Station has operated from La Santa Peak since the 1960s and that it has made good faith efforts to resume operating the station from that site since the transmission facilities were destroyed by hurricane Maria in 2017 and clean-up was completed in February 2020. Licensee entered into a lease with the Puerto Rico Department of Natural and Environmental Resources (DRNA), it has ordered a transmitter for the Station which Licensee represents is ready for shipment, and it expects to receive the associated antenna and transmission line sometime in the Fall of 2021. Because the new WIPR tower will be over 700 feet tall, Licensee states that it required approval from the Federal Aviation Administration (FAA) and that approval was only just obtained in July 2021. In addition, Licensee states that the tower manufacturer visited La Santa Peak in late July 2021 to finalize the tower layout and has promised to provide Licensee with a timeline for installation in the next several weeks. Licensee notes that it also will construct a new transmitter building, in addition to other related installations.

Licensee argues that grant of its Requests would serve the public interest by ensuring that the Stations are able to complete construction of their permanent facilities and serve all their viewers within its licensed contour with public television offerings. As noted above, both Stations are currently operating from interim facilities and as a result have reduced coverage areas. In addition, Licensee argues

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *See* LMS File Nos. 0000153939 and 0000153945. WIPM was repacked from channel 35 to 32 and WIPR from channel 43 to 26.

that there is no identifiable harm that would be imposed on any other television station – or any other person or government – by granting its Requests. Accordingly, Licensee respectfully requests that the Commission extend the deadline to submit the Stations’ invoices and related documentation from October 8, 2021 (the first invoice filing deadline) to March 22, 2022 (the second invoice filing deadline).

*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 first (October 8, 2021) to second (March 22, 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 second (March 22, 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.”<sup>6</sup> Additional expenses incurred, such as expenses resulting from changes in a Station’s transition plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund. Furthermore, 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 because unobligated amounts in the Fund must be rescinded to Treasury by July 3, 2023.<sup>7</sup>

In consideration of the above facts, Puerto Rico Public Broadcasting Corporation’s requests for extension invoice filing assignment deadline **ARE GRANTED**. The invoice filing assignment deadline for WIPM-TV, Mayaguez, Puerto Rico and WIPR-TV, San Juan, Puerto Rico, **IS MODIFIED TO March 22, 2022**.

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc (via electronic mail): Mark Denbo, Esq.

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<sup>6</sup> 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.”).

<sup>7</sup> See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.