



Federal Communications Commission
Washington, D.C. 20554

March 17, 2023

Caguas Educational TV, Inc.
Otoniel Font
P.O. Box 3869
Carolina, PR 00984
conciliofav@hotmail.com
(via electronic mail)

Re: Request for Invoice Deadline
Extension
WUJA(TV), Caguas, PR
Facility ID No. 8156
LMS File No. 0000199072

Dear Licensee,

On September 1, 2022, and as supplemented in December and March, Caguas Educational TV, Inc. (Licensee), licensee of WUJA(TV), Caguas, Puerto Rico (WVPT or Station), filed the above-captioned request (Request) for extension of the Commission's invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimbursement Fund or Fund)¹ from the third and final invoice filing assignment deadline of September 6, 2022,² to a new invoice filing deadline of March 31, 2023.³ For the reasons below, we grant Licensee's Request and extend the date of the Station's invoice filing assignment deadline to March 31, 2023.

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.⁴ All repacked stations assigned to Phases 6 through 10 of the Transition Scheduling Plan were 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 was 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. We noted, however, that if an entity faced circumstances beyond its control we could consider a limited extension by means of shifting an entity with the second invoice filing

¹ LMS File No. 0000199072, Attach. (Request) (amended, Dec. 16, 2022, and updated on Jan. 17, 2023, and via emails dated Mar. 11 and 15, 2023).

² See *TV Broadcaster Relocation Fund Invoice Filing Deadline Approaches In Sixty Days*, Public Notice, DA 22-72, para. 4 (MB/IATF Jan. 21, 2022).

³ Request at Attach., and Status Update as of March 15, 2023.

⁴ 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).

assignment deadline to the third and final invoice filing assignment deadline on September 6, 2022.⁵ An entity requesting such a shift was required to 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.⁶ We further stated that we would not grant extensions that do not provide the staff with sufficient processing time to complete close-out procedures for all stations.⁷ On August 4, 2022, we issued a final reminder to Fund entities that any outstanding invoices must be filed by the September 6 deadline and that we did not anticipate further extensions of the invoice filing deadline, barring limited extensions requested by entities that are able to provide evidence that circumstances outside of their control, such as local zoning or a force majeure event occurring proximate to the final submission, would necessitate a limited deadline extension.⁸

Licensee requested and received an extension of the March 2022 invoice filing assignment deadline to the September 6, 2022, invoice filing assignment deadline.⁹ The Station transitioned to its post-auction channel and was operating from auxiliary facilities until March 13, 2023.¹⁰ Licensee states that its construction was delayed due to circumstances beyond its control; as noted in that earlier request for extension, construction of the Station's permanent facilities was delayed in large part due to local permitting delays that arose from COVID shutdowns. Licensee states that it has now completed the final phases of construction – namely, removing its auxiliary antenna and old tower and completing a final sweep – and filed its license to cover on March 13, 2023.¹¹ WUJA states it will file all remaining repack invoices by March 31, 2023, and therefore requires a brief extension until March 31, 2023.¹²

Discussion. Upon review of the facts and circumstances presented, we find that sufficient justification exist to extend the Station's invoice filing deadline to March 31, 2023. 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 Station's 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 Station to diligently pursue submission of all remaining invoices and initiate close-out procedures as early as possible without waiting for the new invoice filing deadline. We remind Licensee that pursuant to the Spectrum Act, the Station is eligible for reimbursement for costs "reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other."¹³ Additional expenses incurred, such as expenses

⁵ See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.

⁶ *Id.*

⁷ *Id.*

⁸ *TV Broadcaster Relocation Fund Third and Final Invoice Filing Deadline Approaches In Thirty Days*, Public Notice, DA 22-817, n.5 (MB/IATF Aug. 4, 2022).

⁹ See Letter from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to Caguas Educational TV, Inc., LMS File No. 0000186103 (Mar. 17, 2022).

¹⁰ See LMS File No. 0000212420 (Mar. 13, 2023) (license to cover).

¹¹ LMS File No. 0000207008 (Jan. 17, 2023) (Transition Plan).

¹² Email from Sara Hinckle, Esq., Fletcher, Heald & Hildreth, P.L.C., to Dana Leavitt, Special Counsel, Video Division, FCC's Media Bureau (Mar. 15, 2023 13:15 EDT).

¹³ 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.").

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.

We caution the Station that we do not anticipate allowing further extensions of this final March 31, 2023, filing deadline. A station's failure to timely submit all estimates or any pending invoices by the filing deadline could preclude that station from receiving full reimbursement.

Unobligated amounts in the Fund must be rescinded to Treasury on July 3, 2023, and Commission staff (with the support of the Fund Administrator) must have sufficient time to fully process all invoices and any estimates that, if approved, could obligate and allocate funds to the Station.¹⁴

In consideration of the above facts, Caguas Educational TV, Inc.'s request for extension of invoice filing assignment deadline **IS GRANTED**. The invoice filing assignment deadline for WUJA, Caguas, Puerto Rico, **IS MODIFIED TO March 31, 2023**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Francisco Montero, Esq. at montera@fhhlaw.com

¹⁴ See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.