



Federal Communications Commission
Washington, D.C. 20554

November 15, 2019

Caguas Educational TV, Inc.
P.O. Box 3869
Carolina, PR 00984

Re: Request for Tolling
WUJA, Caguas, PR
Facility ID No. 8156
LMS File No. 0000082686

Dear Licensee,

On September 27, 2019, Caguas Educational TV, Inc. (CETV), the licensee of WUJA, Caguas, Puerto Rico (WUJA or Station), filed the above captioned request for tolling, as amended, of the Station's construction permit expiration date. For the reasons below, we grant CETV's request and toll the expiration date of WUJA's construction permit for 180 days from the date of this letter to **March 30, 2020**.

Background. Pursuant to Section 73.3700(b)(5) of the Commission's rules (Rules), a station that was assigned a new channel as a result of the Commission's incentive auction and repacking process may request a single extension of its construction permit deadline of up to 180 days to complete construction of its post-auction facility.¹ All subsequent requests for additional time to construct are subject to the Commission's tolling provisions of Section 73.3598(b) of the Rules.² The Commission's tolling provisions provide that a construction permit deadline may be tolled under specific circumstances such as acts of God, delays due to administrative or judicial review, or construction that is delayed by any cause of action pending before a court of competent jurisdiction relating to any necessary local, state, or federal requirement for the construction or operation of the station, including any zoning or environmental requirement.³

CETV requests waiver of the tolling rule and tolling of its construction permit for its post-incentive auction channel facilities to March 30, 2020. On April 5, 2019, WUJA was granted a waiver of the tolling rule and its construction permit was tolled to October 2, 2019.⁴ WUJA is currently operating an interim facility on its post-auction channel.⁵ In the instant request, CETV states that it has worked diligently to construct the Station's post-auction channel facilities; however, the after effects of Hurricane Maria continue to delay the process. CETV states that "delivery of the tower was delayed due to

¹ See 47 CFR § 73.3700(b)(5). Grant of an extension of the construction permit deadline does not alter the deadline by which a station must cease operating on its pre-auction channel. A station anticipating the need for an extension must submit an extension application using FCC Form 2100, Schedule 337. The application must demonstrate that the station is unable to complete construction on time due to circumstances that were either unforeseeable or beyond the station's control. See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567,6804-05, paras. 581-2 (2014) (*Incentive Auction R&O*); 47 CFR § 73.3700(b)(5)(ii) and (iii).

² 47 CFR § 73.3598(b).

³ *Id.*

⁴ LMS File No. 0000067235.

⁵ LMS File No. 0000076230.

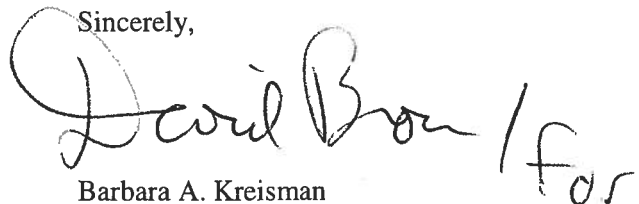
continuing challenges with shipping and delivery of goods on the island of Puerto Rico, and the availability of riggers and other necessary construction materials remains strained in Puerto Rico.” Accordingly, CETV seeks a waiver of the tolling rules and tolling of its construction permit deadline to March 30, 2020.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to waive Section 73.3598(b) of the Rules and to toll the expiration date of the Station’s construction permit to March 30, 2020. Specifically, Hurricane Maria and resource limitations have resulted in construction delays. We find that grant of CETV’s tolling request is not likely to negatively impact the overall transition schedule and will not cause interference to other stations. The Station has already ceased operation on its pre-auction channel and has resumed operations on its post-auction channel with an interim facility. To the extent some viewers are unable to receive WUJA’s signal while it operates using its interim facility, we believe that CETV has every incentive to ensure viewers are fully informed about the Station’s transition plan. Ultimately, we conclude that the public interest will be served by grant of waiver and tolling of the Station’s construction permit.

We remind CETV that pursuant to the Spectrum Act, the Station is eligible for reimbursement from the TV Broadcast Relocation Fund (Fund) of costs “reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other.”⁶ 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.

The above facts considered, Caguas Educational TV, Inc.’s request for tolling **IS GRANTED**. The construction permit for WUJA, Caguas, Puerto Rico **IS TOLLED to March 30, 2020**. Grant of this tolling waiver does not permit WUJA to recommence operation on her pre-auction channel. We also remind CETV that any subsequent requests for tolling of its construction permit deadline will be subject to the Commission’s tolling provisions.⁷

Sincerely,

A handwritten signature in black ink that reads "David Bron / for". The signature is written in a cursive, flowing style.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Francisco Montero, Esq.

⁶ 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.”).

⁷ See 47 § CFR 73.3598(b).