



Federal Communications Commission
Washington, D.C. 20554

October 1, 2021

Sistema Universitario Ana G. Mendez, Inc.
P. O. Box 21345
San Juan, PR 00928
ca_adias@uagm.edu
(via electronic mail)

Re: Request for Invoice Deadline
Extension
WMTJ(TV), Fajardo, PR
Facility ID No. 2174
LMS File No. 0000160324

Dear Licensee,

On September 24, 2021, Sistema Universitario Ana G. Mendez, Inc. (Licensee), the licensee of WMTJ(TV), Fajardo, Puerto Rico (WMTJ 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) 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 Request and extend the date of the Station's 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.¹ 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.² 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.³ We will not consider the availability of reimbursement or the status of

¹ 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).

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

³ *Id.*

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.⁴

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 Station. The Station transitioned to its post-auction channel prior to September 11, 2019, and currently is operating from permanent facilities.⁵

Licensee states that the Station, which is still using a temporary antenna, is working to reconstruct the Station's tower to meet the EIA/TIA222-G building codes for its permanent facilities. Licensee notes that WMTJ's tower is located at the top of a mountain in El Yunque National Forest and that it is continuing to work with the US Forest Service to acquire the permits necessary to reconstruct the Station's tower. Additionally, Licensee states that it must ensure that any reconstruction work complies with the environmental rules and therefore is working with the Forest Service to ensure that any required NEPA studies are completed. Licensee further notes that its progress has been impeded because the road to reach the tower had to be rebuilt as a result of damage sustained during hurricane Maria in 2017 and that the road currently cannot accommodate the heavy equipment necessary to complete the tower work. Licensee adds that the power at the tower site still must be upgraded after the damage caused by hurricane Maria. Licensee states that this work is ongoing. Based on the foregoing, Licensee requests that the Station's invoice submission deadline be extended to March 22, 2022.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Station's 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 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 second (March 22, 2022) invoice filing assignment deadline.

We remind the 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."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. Furthermore, the Station's 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 Station from receiving full reimbursement because unobligated amounts in the Fund must be rescinded to Treasury by July 3, 2023.⁷

⁴ *Id.*

⁵ See LMS File No. 0000065487. WMTJ was repacked from channel 40 to channel 15.

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

In consideration of the above facts, the Sistema Universitario Ana G. Mendez, Inc.'s request for extension of invoice filing assignment deadline **IS GRANTED**. The invoice filing assignment deadline for WMTJ(TV), Fajardo, Puerto Rico, **IS MODIFIED TO March 22, 2022**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Derek Teslik, Esq.