

November 14, 2017

Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Request for Early Puerto Rico and U.S.V.I. Post-Auction TV Transition
GN Docket No. 12-268; MB Docket No. 16-306

Dear Ms. Dortch:

The licensees of a coalition of television broadcast stations in Puerto Rico and the U.S. Virgin Islands (the “PR and USVI Broadcasters”), by their attorneys, come together to respectfully request the Commission revise the Post-Auction Broadcast Transition phase assignments and deadlines for the full-power and Class A television stations indicated in Attachment A hereto (the “Stations”) to specify pre-Phase 1 transitions. In light of the devastation to the islands brought by Hurricanes Irma and Maria, there is good cause to accelerate transition of the Stations to post-auction channel assignments in order to avoid wasteful duplicative construction and to enable stations to utilize approved TV Broadcaster Relocation Fund reimbursements to subsidize restoration of broadcast television service to the people of Puerto Rico and the U.S. Virgin Islands.

The Stations comprise 16 of the 21 reassigned stations located in Puerto Rico and the U.S. Virgin Islands. Each of the Stations experienced hurricane damage, from transmitters and studio equipment flooded by rain after roofs were blown off to 600 foot towers toppled like toothpicks. Regardless of any particular Station’s damage, all of the Stations continue to suffer from the lack of access to a reliable power grid and, of those operating, are operating at reduced power and/or reduced operational hours because of reliance on generators – a situation that is likely to continue for several months. Thus, the conditions are ripe for an early transition while stations are much more flexible, accustomed to or planning on alternate operations and employing regular local coordination among engineers regarding interference and resources.

If the pre-hurricane economic and infrastructure conditions, particularly in Puerto Rico, were poor, now the conditions are dire. There are simply not enough resources for broadcasters to contemplate building duplicate broadcast facilities over the course of the next 20-30 months.¹ The likelihood of reimbursement funding falling far short of the maximum of 80% of costs for transitioning of commercial stations and 90% for non-commercial stations is yet one more burden on an already struggling industry. PR and USVI Broadcasters ask for the Commission’s intervention to permit building of facilities only once, on the reassignment channels, in order to avoid costly duplicative efforts and to maximize their ability to couple the current availability of federal disaster relief, such as low-cost government loans, with repack funds to return the Stations to full operation while simultaneously accomplishing the post-auction transition.

¹ Most of the Stations are assigned to Phase 3 of the Transition, which would have their transitions completed by June 21, 2019. However, two of the Stations (WOST and WSJN-CD) are assigned to Phase 10, with a final transition deadline of July 3, 2020.

As Chairman Pai noted after his recent trip to Puerto Rico, because there are no dedicated funds available to the FCC to assist broadcasters in the wake of disasters, the Commission will need to “get creative” in its efforts to assist the recovery.² Devising an early transition plan for the Stations is precisely the sort of creative solution the situation demands.

Early transition of the Stations will not negatively impact the overall transition plan. The geographic isolation of Puerto Rico and the U.S. Virgin Islands allows for accomplishment of an early transition without impact to any other television station transitions. An early transition will also not divert resources from other stations, but rather will make the most of the engineering and structural rebuilding efforts already underway on the islands and take advantage of the current excess capacity of vendors such as ERI³ for the manufacture of antennas. Indeed, an early transition of the Stations would fulfill the Commission’s interests in supporting the full resumption of broadcast services to the people of the islands while simultaneously achieving the public policy objective of swiftly clearing 600 MHz spectrum for wireless broadband services, which are also desperately needed in the islands.

While the PR and USVI Broadcasters support an accelerated transition for the above reasons, they also seek to caution that the circumstances on the islands could impact one or more Station’s ability to strictly adhere to any new transition schedule. Therefore, in light of the uncertainties and challenges in store for the Stations, the PR and USVI Broadcasters also request that the Media Bureau allow liberal extensions of time and/or the granting of Special Temporary Authorizations to ensure continuation of service where conditions beyond the control of a Station precludes strict adherence to a new transition schedule.

² John Eggerton, “Pai: More USF Money Needed to Help Puerto Rican Communications,” *Broadcasting and Cable*, Nov. 7, 2017, available at <http://www.broadcastingcable.com/news/washington/pai-more-usf-money-needed-help-puerto-rican-communications/169928>.

³ See Electronics Research, Inc., Sept. 6, 2017, document for the record submitted to the U.S. House of Representatives, Committee on Energy and Commerce, Subcommittee on Communications and Technology, for Hearing on “The Broadcast Incentive Auction: Update on Repackaging Opportunities and Challenges,” Sept. 7, 2017, available at <http://docs.house.gov/meetings/IF/IF16/20170907/106373/HHRG-115-IF16-20170907-SD004-U25.pdf>.

The PR and USVI Broadcasters appreciate the efforts of the Commission during this time of trial and look forward to continued creative collaboration. Please direct communications regarding this request to Davina Sashkin of Fletcher, Heald & Hildreth, PLC, at 703-812-0458 or sashkin@fhhlaw.com.

Sincerely,

/s/

Francisco R. Montero, Esq.
Fletcher, Heald & Hildreth, PLC
Counsel for
America-CV Station Group, Inc.
Asociacion Evangelistica Cristo Viene, Inc.
Ebenezer Broadcasting Group, Inc.
La Cadena Del Milagro, Inc.
Wanda Rolon

/s/

Davina Sashkin, Esq.
Fletcher, Heald & Hildreth, PLC
Counsel for
Eastern Television Corporation
R & F Broadcasting, Inc.

/s/

Lee G. Petro, Esq.
Drinker Biddle & Reath LLP
Counsel for
Puerto Rico Public Broadcasting Corp.
ERA International Inc.

/s/

Laura Berman, Esq.
Lerman Senter PLLC
Counsel for
Televiscentro of Puerto Rico, LLC

/s/

John Burgett, Esq.
Wiley Rein LLP
Counsel for
Alpha Broadcasting Corporation

/s/

Nancy Ory, Esq.
Lerman Senter PLLC
Counsel for Spanish Broadcasting System
Holding Company, Inc.

/s/

Lee Peltzman, Esq.
Shainis & Peltzman
Counsel for Western New Life, Inc.

cc: Jean Kiddoo
Hillary DeNigro
Zenji Nakazawa
Alison Nemeth
Michael Carowitz
Barbara Kreisman
Sasha Jahvid
Nancy Murphy

Attachment A

FAC ID	CALL SIGN	Curr CH	Repack CH	Phase	LICENSEE
58342	WJWN-TV	39	33	3	America-CV Station Group, Inc.
3001	WCCV-TV	46	35	3	Asociacion Evangelistica Cristo Viene, Inc.
8156	WUJA	48	24	3	Caguas Educational TV, Inc.
15320	WRUA	33	16	3	Eastern Television Corporation
18410	WIDP	45	34	3	Ebenezer Broadcasting Group, Inc.
67190	WVSN	49	23	3	La Cadena Del Milagro, Inc.
53859	WIPR-TV	43	26	3	Puerto Rico Public Broadcasting Corp.
53863	WIPM-TV	35	32	3	Puerto Rico Public Broadcasting Corp.
54443	WRFB	51	30	3	R & F Broadcasting, Inc. ⁴
29000	WVOZ-TV	47	36	3	Spanish Broadcasting System Holding Co., Inc.
73336	WNJX-TV	23	31	3	Televiscentro Of Puerto Rico, LLC
26681	WTIN-TV	15	14	3	Televiscentro Of Puerto Rico, LLC
48237	WQSJ-CD	48	23	3	Wanda Rolon
48239	WSJN-CD	20	10	10	Wanda Rolon
3255	WQHA	50	25	3	Western New Life, Inc.
83270	WZVI	43	21	3	Alpha Broadcasting Corporation

⁴ The FCC has consented to the assignment of Station WRFB(DT) to ERA International Corporation ("EIC"). Counsel for EIC has also signed the letter to express EIC's intention to commit to an early repack upon the consummation of the station sale.