

FCC Grants Request by Fletcher, Heald & Hildreth to Revise Post-Auction Broadcast Transition Phase Assignments and Deadlines for Puerto Rico and U.S. Virgin Islands in Wake of Hurricane Maria

January 16, 2018 – Fletcher, Heald & Hildreth is proud to announce that, through its efforts, the FCC’s Incentive Auction Task Force and the Media Bureau division on Jan. 11, 2018 granted a request to allow for 20 broadcast TV stations in Puerto Rico and the U.S. Virgin Islands to construct post incentive auction facilities early.

The request was spearheaded by Washington, D.C.-based telecommunications and broadcasting law firm, **Fletcher, Heald & Hildreth** (“FHH”) on behalf of a coalition of full-power and Class A television licensees of repacked stations in Puerto Rico and the U.S. Virgin Islands to allow the stations to transition early. This request was filed in response to the devastation caused by Hurricanes Maria and Irma in fall 2017. Chairman Ajit Pai in a statement said that this measure is an, “important step to expedite the restoration of vital communication services.” Stations can start their testing of post-auction channels at 12:01 a.m. on July 1 and must discontinue operations on these channels no later than 11:59 p.m. on Aug. 1.

The filing, made by FHH attorney Davina Sashkin, Esq. emphasized that the current conditions on the island of Puerto Rico and the U.S. Virgin Islands made the request a smart and necessary move by the Commission. As noted in the filing, “If pre-hurricane economic and infrastructure conditions, particularly in Puerto Rico were poor, now conditions are dire.” This, the filing stressed, means that there “are simply not enough resources for broadcasters to contemplate building duplicate broadcast facilities over the course of the next 20-30 months.”

The devastation to island infrastructure generally and the broadcast community specifically means that many television stations still, nearly four month after the hurricanes, are trying to rebuild. The stations were facing a Phase 3 transition, which would have required rebuilding the stations now, only to have to build new facilities in 2019. The capital demands for a double-build were simply too much for the broadcasters of the island to bear twice in such a short period of time. Therefore the coalition requested the Commission to permit building of facilities only once on the reassignment channels to avoid costly expenses. This timing allows Puerto Rico and the U.S. Virgin Islands TV broadcasters to utilize currently available funds from federal disaster relief and low-cost government loans in combination with repack reimbursement funds to begin the process of returning stations to full operation.

“The broadcasters on the islands are working together in a collaborative way to rebuild, and they wanted to be able to maximize this opportunity to coordinate building the new television infrastructure required in the post-Auction environment,” said Sashkin. “The FCC agreed that these licensees, who have been through so much, should have the opportunity to minimize costs, maximize coordinated effort, and speed rebuilding of a vibrant, integral industry that provides news, information and entertainment to more than 3 million American citizens each day.”

Chairman Ajit Pai on a recent trip to Puerto Rico said that there are no dedicated funds available to the FCC to assist broadcasters requiring the Commission to be “creative” in solving this problem. It is Sashkin’s and the coalition’s belief that granting this early transition is the type of creative solution that the FCC needs to rebuild the region’s broadcasting systems.

For information about the firm, visit www.fhhlaw.com or contact Helena Okolicsanyi at okolicsanyi@fhhlaw.com for press inquiries.