

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Municipality of Yauco, Puerto Rico
Petition for Reconsideration

ORDER

Adopted: December 19, 2018

Released: December 19, 2018

By the Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. The Municipality of Yauco, Puerto Rico (Yauco), timely filed a Petition for Reconsideration (Petition) of the Commission’s notice of termination of Yauco’s license to operate on three VHF frequencies under call sign WQHB319.1 We grant the Petition and return the authorization to active status.2

II. BACKGROUND

2. The construction deadline for Yauco’s station was March 20, 2018.3 In December 2017, the Commission’s Universal Licensing System (ULS) sent construction reminders to Yauco for the station.4 On April 11, 2018, and May 9, 2018 the ULS issued Yauco letters advising the County that its license was in termination pending status.5

3. On May 31, 2018, Yauco filed the instant Petition stating that it had placed the facilities into operation on November 10, 2017, but that because of the damage to Yauco’s municipal infrastructure inflicted by Hurricane Maria, including damage to license records and the lack of electrical power, Yauco was unable timely to file a notice that the WQHB319 facilities had been constructed.6

III. DISCUSSION

4. Section 1.106(c)(2) of the Commission’s rules provides that a petition for reconsideration may rely on facts not previously presented if we find that “consideration of the facts relied on is required in the public interest.”7 We find that Yauco has met this standard. We note that Yauco had met the build-

1 See Municipality of Yauco, Petition for Reconsideration, re Call Sign WQHB319, at 1 (May 31, 2018) (Petition).

2 The frequencies at issue are (1) 155.1225 MHz at Locations 1 and 2 (2) 159.3600 MHz at Location 2.

3 See 47 CFR §§ 1.955, 90.155.

4 See Construction/Coverage Deadline Reminder Notice, Reference No. 6353463 (dated December 19, 2017) and Construction/Coverage Deadline Reminder Notice, Reference No. 6317547 (dated December 5, 2017).

5 See Construction/Coverage Deadline, Notice of Termination Pending Status, Reference No. 6354840 (dated April 11, 2018) and Construction/Coverage Deadline, Notice of Termination Pending Status, Reference No. 6364267 (dated May 9, 2018).

6 Petition at 1.

7 See 47 CFR § 1.106(c)(2).

out requirement, but the devastation wrought by Hurricane Maria prevented Yauco from notifying the Commission of this fact in a timely fashion. We therefore grant the Petition.

**IV. ORDERING CLAUSES**

5. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 303(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(c), and Section 1.106 of the Commission’s rules, 47 CFR § 1.106, that the Petition for Reconsideration filed May 31, 2018, by the Municipality of Yauco IS GRANTED.

6. IT IS FURTHER ORDERED that the licensing staff of the Policy and Licensing Division SHALL MODIFY the authorization for call sign WQHB319 in accordance with this Order and the Commission’s rules.

7. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission’s rules, 47 CFR §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm  
Chief, Policy and Licensing Division  
Public Safety and Homeland Security Bureau