



PUBLIC NOTICE

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MEDIA BUREAU PROVIDES GUIDANCE FOR BROADCAST LICENSEES STILL REBUILDING IN THE AFTERMATH OF HURRICANES IRMA AND MARIA

The Commission is monitoring the recovery efforts in Puerto Rico and the U.S. Virgin Islands after Hurricanes Irma and Maria devastated those islands in September of 2017.¹ Since the storms, the Commission has made it a priority to ensure that television and radio licensees are not unduly burdened by regulatory requirements as they undertake the difficult process of rebuilding.² The Commission is aware that as the one-year anniversaries of the landfall of the hurricanes on the islands approaches, many broadcast facilities have not been rebuilt and operations have not resumed.³ The Media Bureau is providing guidance to such stations concerning the procedures to follow to alleviate concerns about license expiration under Section 312(g).

Section 312(g) of the Communications Act of 1934 (Act), as amended, provides for automatic expiration of a broadcast station's license as a matter of law upon failure to transmit a broadcast signal for 12 consecutive months.⁴ The Act, however, allows the Commission to extend or reinstate a terminated license if, in the Commission's judgment, such action would promote "equity and fairness."⁵ It has exercised this statutory discretion only when the failure to timely resume broadcasts was for a compelling reason beyond the licensee's control.⁶

We believe that the catastrophic nature of these events and the ongoing recovery in Puerto Rico and the U.S. Virgin Islands warrants consideration of "equity and fairness" for those licensees that have been unable to resume station operations because of the damage caused by the hurricanes and the unusual extended recovery period, exacerbated by the difficulty in restoring electrical service to the islands.⁷

The Media Bureau will withhold cancelling broadcast licenses in Puerto Rico and the Virgin

¹ Hurricane Irma struck the islands on September 6, 2017, and Hurricane Maria struck on September 20, 2017.

² See, e.g., *Public File Dates for Broadcast Licenses Affected by Hurricanes Irma and Maria Further Extended to Wednesday, January 10, 2018*, Public Notice, 32 FCC Rcd 9400 (MB 2017); News, FCC, *Chairman Pai on Accelerating the Post-Incentive Auction Transition to Support Broadcasters in Puerto Rico and the U.S. Virgin Islands* (Jan. 11, 2018); *Media Bureau and Wireless Bureau Waive Minor Changes Rule for Auction 100 Applicants Affected by Hurricanes Irma and Maria*, Public Notice, DA 18-448 (MB/WTB 2018).

³ As of the date of this Public Notice, 11 Full Service TV Stations, 1 Class A TV Station, 35 LPTV Stations, 3 TV Translators, 10 AM Stations, 8 FM stations and 3 FM Translator Stations in Puerto Rico and the U.S. Virgin Islands are reported as silent in CDBS and LMS as a result of Hurricanes Irma and Maria.

⁴ 47 U.S.C. § 312(g).

⁵ *Id.*

⁶ See, e.g., *V.I. Stereo Comm'n Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 14259 (2006) (reinstating license where station's silence was attributable to destruction of towers in hurricane).

⁷ In particular, we note that residential power was only fully restored to the U.S. Virgin Islands in March, and to Puerto Rico in August. However, many non-residential sites, such as El Yunque National Forest, where several broadcast facilities are located, have not yet had service restored.

Islands pursuant to Section 312(g) for a period of six months from September 6, 2018, until March 6, 2019. In order to receive the benefit of such consideration, licensees of all stations that are currently silent as a result of the damage caused by Hurricanes Irma and Maria, and do not anticipate resuming operations by the end of their twelfth month of silence, must file a request for Special Temporary Authority prior to the end of this period to remain silent (Silent STA Request) pursuant to the relief set forth in this Public Notice. This Silent STA Request should delineate the specific factors preventing the station's resumption of broadcast operations prior to the one-year mark, and provide a projected date prior to March 6, 2019 that it intends to resume operation. This Silent STA Request should be filed with the Commission through CDBS or LMS.⁸ The Commission will not entertain requests to extend or reinstate an expired license from licensees that have not filed a Silent STA Request prior to the end of their twelve full months of silence.

For further information, please contact Victoria McCauley of the Audio Division, Media Bureau, at (202) 418-2136, or Evan Morris of the Video Division, Media Bureau, at (202) 418-2700.

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⁸ Specifically, broadcast licensees should utilize the CDBS/LMS informal filing form titled "Notification of Suspension of Operations / Request for Silent STA." If a licensee has a current Silent STA Request on file, it should file an Extension of Silent STA Request and reference this Public Notice. We remind licensees that there is no filing fee associated with Silent STA Requests. Commission staff will help licensees file if they require assistance.