

Cc: Amelia Vazquez

Subject: Re: Expedited Request for Waiver of Section 73.621(f)(3) for WIPR-DT and WIPM-DT

Thanks a lot Petro, we are happy to hear that!!!

Sent from my iPhone

On Mar 7, 2019, at 3:21 PM, Petro, Lee G. <lee.g.petro@pillsbury.com> wrote:

The FCC just sent the email below, granting the request for waiver to broadcast the MDA telethon on Saturday.

Please let me know if you have any questions.

Best regards,

Lee G. Petro | Special Counsel  
Pillsbury Winthrop Shaw Pittman LLP  
1200 Seventeenth Street NW | Washington, DC 20036-3006  
t +1.202.663.8113

[im](#) | [website bio](#)

**From:** David Brown <david.brown@fcc.gov>  
**Sent:** Thursday, March 7, 2019 2:13 PM  
**To:** Petro, Lee G.  
**Cc:** Barbara Kreisman  
**Subject:** Expedited Request for Waiver of Section 73.621(f)(3) for WIPR-DT and WIPM-DT

**\* EXTERNAL EMAIL \***

Dear Mr. Petro:

This is in reference to your March 6, 2019, request on behalf of the Puerto Rico Corporation for Public Broadcasting requesting a temporary waiver of Section 73.621(f)(3) of the Commission's rules (Rules) to permit non-commercial broadcast stations WIPR-DT, San Juan, Puerto Rico, and WIPM-DT, Mayaguez, Puerto Rico, to temporarily interrupt the stations' programming to broadcast the Muscular Dystrophy Association of Puerto Rico fundraising event on March 9, 2019 (the "Event"). According to your letter request, the one-time Event will run from 6:00 pm to 10:00 pm.

You state that waiver is justified because "[n]ot only did Hurricane Maria severely damage broadcast and telecommunications facilities in Puerto Rico, but the slow recovery of the island's citizens has also greatly impacted the ability of local charities to raise funds." Letter from Lee Petro, Esq., to Barbara Kreisman, Chief, Video Division, Media Bureau (March 6, 2019), at 2.

In 2017, the Commission relaxed its Rules prohibiting third-party fundraising events aired by noncommercial stations for "charities and other non-profit organizations," but did not extend the relaxed standard to noncommercial broadcast stations that received funds from the Corporation for Public Broadcasting. See *Noncommercial Educational Station Fundraising for Third-Party Non-*

My pleasure!

Please remember to follow the Audience Disclosure and Public File requirements outlined in the Commission's rules:

**Audience Disclosure.** A noncommercial educational television station that interrupts regular programming to conduct fundraising activities on behalf of a third-party non-profit organization must air a disclosure during such activities clearly stating that the fundraiser is not for the benefit of the station itself and identifying the entity for which it is fundraising. The station must air the audience disclosure at the beginning and the end of each fundraising program and at least once during each hour in which the program is on the air.

**Reimbursement.** A noncommercial educational television station that interrupts regular programming to conduct fundraising activities on behalf of a third-party non-profit organization may accept reimbursement of expenses incurred in conducting third-party fundraising activities or airing third-party fundraising programs.

**Public File - Information on Third-Party Fundraising.** For noncommercial educational broadcast stations that interrupt regular programming to conduct fundraising activities on behalf of a third-party non-profit organization pursuant to § § 73.621(f) (television stations), every three months, the following information for each third-party fundraising program or activity:

1. the date, time, and duration of the fundraiser; the type of fundraising activity; the name of the non-profit organization benefitted by the fundraiser;
2. a brief description of the specific cause or project, if any, supported by the fundraiser; and,
3. to the extent that the station participated in tallying or receiving any funds for the nonprofit group, an approximation of the total funds raised.

The information for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter October-December, April 10 for the quarter January-March, etc.).

Best regards,

Lee

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From: Marietty Lasanta <[marietty.lasanta@pillsbury.com](#)>

Sent: Thursday, March 7, 2019 2:30 PM

To: Petro, Lee G. <[lee.petro@pillsbury.com](#)>

*Profit Organizations*, Report and Order, 32 FCC Rcd 3411, 3418 (2017). However, CPB-funded stations were still entitled to request waivers to permit third-party fundraising under the traditional, pre-2017 standard.

Due to the specific circumstances facing Puerto Rico, especially its slow recovery after Hurricane Maria, we believe grant of a waiver to permit the Event is justified. We note that this determination is fact-specific. The damage wrought to Puerto Rico is highly unusual and extended in duration. Our determination here should not be taken as a general waiver for any third-party fundraising event aired on a CPB-funded station in Puerto Rico. Accordingly, the March 6, 2019, waiver request IS GRANTED.

Barbara Kreisman  
Chief, Video Division  
Media Bureau

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