

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

SEP 17 2015

In reply refer to: 1800B3-VM

David G. O'Neil, Esq.
Rini O'Neil, PC
1200 New Hampshire Avenue, NW, Suite 600
Washington, DC 20036

In re: **W239AC, Middletown, NY**
Facility ID No. 84803
Silent since August 31, 2015

Request for Special Temporary
Authority to Remain Silent

Dear Mr. O'Neil:

This letter concerns the request you filed on August 31, 2015, on behalf of Digital Radio Broadcasting, Inc. ("DRB"), for Special Temporary Authority ("STA") to permit FM Translator Station W239AC to remain silent.

DRB's request states that Station W239AC went silent on August 31, 2015, because it lost its programming source. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.¹

DRB's request is granted. Accordingly, Special Temporary Authority is granted to permit Station W239AC to remain silent not to exceed 180 days from the date of this letter. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station W239AC will automatically expire as a matter of law if broadcast operations do not resume by 12:01 a.m., September 1, 2016.**²

DRB is required to notify the Commission when broadcast operations resume. If DRB does not file the notification of resumption of operations in a timely manner, the license may be subject to cancellation pursuant to Section 312(g) of the Communications Act, as amended.³

The station's silent status does not suspend the licensee's obligation to comply with all other relevant Commission rules, including the filing, when appropriate, of applications for renewal of broadcast license. It is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower shall be maintained until removed.⁴

Sincerely,

Lisa Scanlan / VM

Lisa Scanlan
Assistant Chief, Audio Division
Media Bureau

¹ In the event extension of special temporary authority is sought, please renew the certification in this matter.

² See 47 U.S.C. § 312(g).

³ *Id.* In addition to filing a notification of resumption of operations electronically on the date operations resume, notification of resumption must also be emailed to Denise.Williams@FCC.gov.

⁴ See 47 C.F.R. §§ 17.6 and 73.1740(a)(4).