

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554

JUL 30 2014

*In reply refer to:1800B3-VM*

A.Wray Fitch, III, Esq.  
Gammon & Grange, P.C.  
8280 Greensboro Dr., 7th Floor  
McLean, VA 22102-3807

**In re: KXZT(FM), Newell, SD**  
Facility ID No. 164201  
Silent since March 15, 2014

Request for Special Temporary  
Authority to Remain Silent

Dear Mr. Fitch:

This letter concerns the request you filed on April 30, 2014, on behalf of JER Licenses, LLC ("JER"), for Special Temporary Authority to permit FM Radio Station KXZT to remain silent.

JER's request states that Station KXZT(FM) went silent on March 15, 2014, for financial reasons. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.<sup>1</sup>

JER's request is granted. Accordingly, Special Temporary Authority is granted to permit Station KXZT(FM) 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 KXZT(FM) will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m., March 16, 2015.**<sup>2</sup> See Section 312(g) of the Communications Act, 47 U.S.C. § 312(g).

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

Finally, Section 73.1740(a)(4) of the Commission's Rules permits licensees to temporarily discontinue operations for good cause, and for a period not to exceed 30 days without further authority. See 47 C.F.R. § 73.1740(a)(4). This rule requires that the licensee notify the Commission by letter not later than the 10<sup>th</sup> day of limited or discontinued operations, and requires a licensee to seek Commission authorization for any period of limited or discontinued operations exceeding 30 days. JER failed to submit a timely request for an STA to permit Station KXZT(FM) to remain silent beyond April 15, 2014, and the action taken herein shall not be construed as authorizing the station to remain silent between April 15, 2014, and April 30, 2014.

Sincerely,



Lisa Scanlan  
Assistant Chief, Audio Division  
Media Bureau

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

<sup>2</sup> In addition to filing electronically with the Commission on the date operations resume, notification of resumption of broadcast operations must be emailed to Denise.Williams@FCC.gov.