

Silent Station Circumstances Exhibit
WYPH-LP, Manchester, CT
Facility ID # 193136
New River Community Church, Licensee

This Exhibit details the circumstance under which WYPH-LP was taken off the air by order of the Audio Division, Media Bureau, pending the Bureau's investigation of an interference complaint filed with respect to WYPH-LP by Red Wolf Broadcasting Company. Specifically, on April 23, 2020, the Bureau ordered WYPH-LP to cease operations until the Licensee, New River Community Church, eliminated the alleged interference to WDRC-FM or demonstrated that WYPH-LP was not the source of the interference. *See*, the Letter from James D. Bradshaw, Senior Deputy Chief, Audio Division, Media Bureau, to New River, *et. al.*, File No. BLL-20170807AAT (MB Apr. 23, 2020) (*Cease Operations Letter*). On September 28, 2020, the Bureau denied New River's request to vacate the *Cease Operations Letter*. Letter from James D. Bradshaw, Senior Deputy Chief, Audio Division, Media Bureau, to New River, *et. al.*, File No. BLL-20170807AAT (MB Sep. 28, 2020) (*September 2020 Decision*). New River took WYPH-LP silent pursuant to the Commission's instruction in April, 2020. The Bureau, *despite repeated entreaties by the Church to be allowed to resume full time broadcast operation of WYPH-LP, which it was ready, willing and able at all relevant times to do pendente lite*, would not permit the station to resume operations for more than a year.

The Audio Division did not resolve the interference issue until July 21, 2021 when it dismissed the interference complaint with prejudice and at that time specifically allowed WYPH-LP to resume broadcast operations, which it did on July 22, 2021. *See* the *Letter Decision* of the Chief, Audio Division, Media Bureau (1800B3-KV) dated July 21, 2021, at page 5. Though Red Wolf Broadcasting Company argued that because WYPH-LP was continuously silent for more than 12 consecutive months, section 312(g) of the Communications Act of 1934 necessitated the forfeiture of the license for the station. The Audio Division disagreed, however, stating as follows:

Notwithstanding the fact that WYPH-LP has been continuously silent for more than 12 consecutive months, section 312(g) of the Act affords the Commission discretion, where appropriate, to extend or reinstate a forfeited license. Specifically, section 312(g) provides that "the Commission may extend or reinstate such a station license if the holder of the station license *prevails in an administrative or judicial appeal*, the applicable law changes, or for any other reason to promote equity and fairness."

Here, we find that we have discretion to reinstate the WYPH-LP license under the "prevails in an administrative or judicial appeal" exception set forth in section 312(g). As discussed above, we are dismissing Red Wolf's Complaint because we find that the Interference Test Results that New River submitted in response to the *March 2021 Letter Decision* conclusively demonstrate that WYPH-LP is not the source of the alleged interference to WDRC-FM.

Here, we ordered WYPH-LP to cease operations until it eliminates the interference alleged in the Complaint or demonstrates that WYPH-LP is not the source of the alleged interference, and New River has successfully made such a showing on appeal. Accordingly, we find that this case...warrants the exercise of the discretion afforded by section 312(g), and we reinstate the WYPH-LP license.

There are no other circumstances in which WYPH-LP has been off the air for more than 30 days. It is on the air now, and it has been continuously since July 22, 2021 when the Commission allowed it to resume operations, and it is and has been broadcasting in full compliance with its license parameters since then.