

Explanatory Exhibit

The instant exhibit relates to the temporary silent status of FM translator station W280CP (Facility ID 71312), licensed to Wagontown, Pennsylvania. This is one of the three FM translator stations associated with station WDAC. In a Request for Silent Authority submitted November 8, 2018¹, we explained:

Cause of Silent Status of W280CP

During an intense windstorm on April 5-6, 2018, the transmitting antenna array and coax of FM translator station W280CP sustained severe damage, and tore from their mountings. The transmitter was then promptly turned off.

Then, we began evaluating whether it was more advisable to repair the damage to the antenna array and coax or replace the damaged components, the antenna equipment was discarded without our knowledge.

We have new antennas on order from SCMS with expected delivery at the end of November 2018. We plan to install the antennas in December 2018, weather permitting. At a minimum, the translator will be back on the air well before April of next year.

On May 9, 2018, we prepared the notification to the FCC that the translator was off the air and concomitant request for authority to remain silent. We attempted to file it with the FCC and believed that it had been filed. Unfortunately, however, there must have been some malfunction with CDBS or some error on our part. When we went back into CDBS recently in order to file for an extension, we discovered that the application prepared in May somehow had not actually gotten through to 'filed' status. We are taking steps to ensure that FCC filings will be monitored more closely in the future so that all such documents move over to the 'public' side of CDBS as desired.

Below is an email from WDAC's Chief Operating Officer and General Manager Doug Myer, dated November 6, 2018, to Barry Wood, WDAC's FCC counsel. This document substantiates the explanation set forth in the STA extension request. The content and tone of the email reflect that WDAC was aware of its obligation to alert the FCC of the temporary silent status of W280CP and to request Silent Authority in a timely fashion; that WDAC acted to do so by preparing the request in CDBS; and that Mr. Myer believed that, in fact, the request had been submitted in May 2018. Six months later, in November 2018, Mr. Myer – still conscientious with respect to the Rules and knowing that an additional period of silent authority would be necessary – went back into CDBS to prepare the

¹ The licensee's request for silent authority is at https://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdb/forms/prod/cdbsmenu.htm?context=25&appn=101784776&formid=910&fac_num=71312

extension request. Only at that point did he realize that the initial request of May 2018 was still in ‘pending’ status – that is, that its filing had not been formally completed. In the interim, between May and November, Mr. Myer would have had no reason to wonder whether the request had been received by the Media Bureau because overt action by the FCC is not necessarily triggered by the filing of a request for Silent Authority. The FCC has never required a station to remain on the air until the agency gets around to granting a request for silent authority. Thus in a sense silent authority is self-executing upon the lodging of the request.

On November 6, 2018 at 3:31 PM Doug Myer <dmyer@wdac.com> wrote:

Barry -

I am following up on the FCC matter we have been discussing and wondered if I should be updating CDBS. Do I need change the information in CDBS to link the translator W300BZ to WDAC rather than WBYN, or is it something you should do?

In a separate matter, I filed a silent STA for our Wagontown translator, W280CP, in May for 6 months since a storm knocked us off the air. Unfortunately, the antennas were discarded and we needed to purchase additional equipment. Richard Crawford and I discussed moving the translator to a different location, but ultimately decided to purchase antennas to install at our current location. The antennas are on order and should be delivered by the end of November.

We should be on the air again in December, 2018. When I accessed the filing to extend the silent STA for another 6 months, I saw that the one I filed in May still showed as pending. It appears that I did not file it properly. I updated language in Exhibit 1 to explain the reason we are not on the air within six months and explained our current status. The STA is now ready to be filed, but our contact engineer, who helped me prepare the filing today, asked what date should show as the filing? The date on the filing is May 9, 2018, which is the date I thought I had filed it. What is your recommendation to resolve this?

Thank you,

Doug Myer
COO/General Manager

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As indicated in the above email, in November 2018, when the extension request was filed, WDAC forthrightly explained to the FCC what had happened. Finally, when the translator returned to full operation in March 2019, WDAC notified the Commission of that development.² Inasmuch as the FCC issued no complaint, notice of violation or other enforcement action with regard to this matter, the licensee submits that it should not serve as an impediment to a grant of the application for renewal of the licenses for the subject stations.

² Thus, the one-year period of Section 312(g) of the Communications Act was honored.