



Federal Communications Commission
Washington, D.C. 20554

December 15, 2022

In Reply Refer to: 1800B3-ARR

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Hazler Hispanic Community Radio
c/o Dan J. Alpert, Esq.
2120 21st Rd. N
Arlington, VA 22201
(via email to DJA@COMMLAW.TV)

In re: Hazler Hispanic Community Radio

WXDP-LP Hazlet, NJ
Application File No. 0000183636
Facility ID 194082

Notification of License Cancellations

Dear Licensee:

This letter is to inform you that the license renewal application of Station WXDP-LP, Hazlet, NJ (Station),¹ licensed to Hazler Hispanic Community Radio (Hazler) is dismissed for failure to respond to the Media Bureau's Letter of Inquiry, and the license for the Station is cancelled.

On October 24, 2022, we sent you a letter stating that we received a complaint alleging that the Station is off the air, and has never operated.² Hazler was instructed to respond within 30 calendar days of the *LOI* and was warned that “[f]ailure to respond in full within the time period specified shall result in dismissal of the subject application for failure to respond to official correspondence pursuant to section 73.3568(a)(1) of the [FCC’s] Rules.”³ As of today, no response has been received.⁴ Accordingly, we will dismiss the Application for failure to respond to the *LOI*.⁵

¹ Application File No. 0000183636 (Application).

² *Hazler Hispanic Community Radio*, Letter of Inquiry (MB Oct. 24, 2022) (*LOI*).

³ *LOI* at 6 (emphasis in original) (citing 47 CFR § 73.3568(a)(1) (“Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal.”)). The 30-day deadline to submit an *LOI* response was November 23, 2022. On November 25, 2022, counsel for Hazler requested, and Bureau staff granted, a 20-day extension to respond to the *LOI*. Email from Dan J. Alpert, Esq. to Alexander T. Sanjenis, Audio Division, FCC Media Bureau (Nov. 25, 2022 1:01 AM EST); Email from Alexander T. Sanjenis, Audio Division, FCC Media Bureau to Dan J. Alpert, Esq. (Nov. 25, 2022 2:34 PM EST); Email from Alexander T. Sanjenis, Audio Division, FCC Media Bureau, to Dan J. Alpert, Esq. (Dec. 9, 2022, 11:14 AM). We note the *LOI* instructed Hazler that any requests for extension of time were required to be filed prior to the 30-day response deadline. Bureau staff also informed Hazler that its request lacked a declaration, which was never supplied. The extended deadline passed on December 15, 2022, without a response.

⁴ The *LOI* instructed Hazler to submit a response by both physical mail, addressed to the Office of the Secretary, and by email to the Bureau staff. *LOI* at 5. Neither a physical nor electronic response has been received.

⁵ See *LPFM MX Group 37*, Memorandum Opinion and Order, 31 FCC Rcd 7512, 7517, para. 12 (2016) (dismissing LPFM construction permit application for failure to provide information requested in a letter of inquiry); *Applications for Review of Decisions Regarding Six Applications for New Low Power FM Stations*, Memorandum

For the reasons set forth above, the license renewal application for Station WXDP-LP, Hazlet, NJ (Application File No. 0000183636) IS DISMISSED.

The Commission's public and internal databases HAVE BEEN MODIFIED to indicate that the broadcast license for the Station is EXPIRED, that the Station's license is CANCELLED, and that the Station's call sign is DELETED.

Finally, we note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the Station's tower be maintained until the tower is dismantled. Accordingly, the owner of the tower where the referenced Station's transmitting antenna is located is required to maintain the tower in the manner prescribed by our rules and the terms of the cancelled license.⁶

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

Opinion and Order, 28 FCC Rcd 13390, 13391-93, para. 4-5 (2013) (affirming dismissal of LPFM application where applicant failed to respond to official correspondence from the Bureau).

⁶ See 47 U.S.C. §303(q); 47 CFR §§17.1 *et seq.* and 73.1213. See also *Streamlining the Commission's Antenna Structure Clearance Procedure*, Report and Order, 11 FCC Rcd 4272, 4293 (1995) (tower owner bears primary responsibility for maintaining tower painting and/or lighting).