



Federal Communications Commission
Washington, D.C. 20554

March 22, 2023

Sent via electronic mail

In reply refer to: 1800B3-DW

Melodie A. Virtue, Esq.
Foster Garvey PC
1000 Potomac Street, N.W., Suite 200
Washington, DC 20007
Melodie.virtue@foster.com

RE: **KIPL(FM), Lihue, HI**
Facility ID No. 174337
Silent since September 5, 2022¹
Request for Special
Temporary Authority to Remain Silent

Dear Ms. Virtue:

This letter concerns the request you filed on March 13, 2023, on behalf of Hawaii Public Radio, Inc. (HPR), for Special Temporary Authority (STA) to permit FM Radio Station KIPL to remain silent.

HPR's request states that Station KIPL(FM) went silent on September 5, 2022, for technical reasons.

HPR's request is granted. Accordingly, Special Temporary Authority is granted to permit Station KIPL(FM) to remain silent until September 5, 2023. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station KIPL(FM) will automatically expire as a matter of law if broadcast operations do not resume by 12:01 a.m., September 5, 2023.**²

HPR is required to notify the Commission when broadcast operations resume.³ If HPR 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.⁴

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.⁵

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.⁶

¹ We note that the application states that the Station was silent since February 17, 2023, but the exhibit attached to the application states that it was silent since September 5, 2022.

² See 47 U.S.C. § 312(g).

³ In addition, periods of operation pursuant to this STA shall be recorded in the station's records (see 47 CFR §§ 73.1820 (AM/FM/TV), 73.877 (LPFM) and/or 74.1281 (FM translator)). The records shall include start/stop dates and times of such operation. These log entries must be maintained for a minimum of two years as specified in 47 CFR § 73.1840(a), unless a longer retention period is requested by the staff. Periods of operation may be subject to independent verification that they in fact occurred.

⁴ *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.

⁵ See 47 C.F.R. §§ 17.6 and 73.1740(a)(4).

⁶ See 47 C.F.R. § 73.1740(a)(4).

This rule requires that the licensee notify the Commission by letter not later than the 10th 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. HPR failed to submit a timely request for an STA to permit Station KIPL(FM) to remain silent beyond October 5, 2022, and the action taken herein shall not be construed as authorizing the station to remain silent between October 5, 2022, and March 13, 2023.

Sincerely,

A handwritten signature in blue ink, reading "Victoria McCauley". The signature is fluid and cursive, with the first name "Victoria" and last name "McCauley" clearly distinguishable.

Victoria McCauley
Attorney, Audio Division
Media Bureau