



Federal Communications Commission
Washington, D.C. 20554

November 29, 2023

In Reply refer to:
1800B3-ARR

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Cape Cod Regional Tech High School
c/o Burt Fisher
351 Pleasant Lake Ave.
Harwich, MA 02645
(Sent by electronic mail to: burt.fisher@gmail.com)

Re: WCCT-FM, Harwich, Massachusetts
Facility ID No. 8574
Application File No. 0000185268

**Operational Status Inquiry – Response
Required**

Dear Licensee:

Before us is the license renewal application (Application) of Station WCCT-FM, Harwich, Massachusetts (Station).¹ Cape Cod Regional Tech High School (Licensee) filed the Application on February 24, 2022. In the Application, Licensee indicates that the Station is silent, and references prior destruction of the Station’s facility. Accordingly, the Station may have been silent or operating with unauthorized facilities during the license term. Pursuant to section 73.1015 of the Commission’s rules (Rules),² Licensee is required to clarify this matter in writing within forty-five (45) days of the date of this letter.

Background. In the Application, Licensee attaches a statement explaining that the building where its public file was held had been destroyed during construction of a new school, and that replacing the studio facility was a low priority, after educating its students and responding to the COVID-19 pandemic.³ Licensee also answered the Application certification questions regarding Adherence to Minimum Operating Schedule, Silent Station, and Discontinued Operations with a “No” response, indicating that the Station is silent. However, Licensee has not filed any requests for special temporary authorization (STA) to operate at variance from its authorized parameters, or to stay silent.⁴ Nor has Licensee otherwise notified the Media Bureau (Bureau) of any change in operations, until it filed the Application on February 24, 2022.⁵

¹ Application File No. 0000185268 (filed Feb. 24 2022).

² 47 CFR § 73.1015.

³ *Id.* at Attach. “websitepublicfile.pdf”.

⁴ 47 CFR § 73.1745(a) (prohibiting the operation of a broadcast station at variance from the terms of the Station’s authorization); 47 CFR § 73.1635 (a licensee must request special temporary authority to operate for a limited time at variance from the terms of its authorization).

⁵ 47 CFR 73.1740(a)(4) (licensees must notify the Commission if they stop broadcasting for 10 days and request STA to remain silent for more than 30 days).

Based on this information, it appears that the Station may have been silent (or failed to operate with authorized facilities) for more than one year. Pursuant to section 312(g) of the Communications Act of 1934, as amended (Act), **if a broadcast station fails to transmit broadcast signals with its authorized facilities for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license to promote equity and fairness.**⁶

This letter provides Licensee **45 days** to submit evidence of the Station's operation with authorized facilities during the prior license term, through the present date. If Licensee fails to provide such documented evidence within **45 days** from the date of this letter, the Commission's public and internal databases WILL BE MODIFIED to indicate that the broadcast license for the Station is EXPIRED, that the Station's license is CANCELED as a matter of law, and that the Station's call sign is DELETED.

Information and Materials Requested.

Operational Status. The materials required to establish the operational status of the Station are as follows. **Failure to respond appropriately to this letter constitutes a violation of the Act and Rules.**⁷ In addition, a failure to respond appropriately to this letter may result in **dismissal of the referenced Application.**⁸

First, Licensee must provide a narrative statement that indicates the Station's operational status from the beginning of the license term to the present, including during and after destruction of the Station's facilities. Licensee must indicate the dates on which the Station was silent, operated with its licensed facilities, or operated with technical parameters other than those specified by its license. For all dates, Licensee must indicate the effective radiated power, antenna height above ground level and geographic coordinates and address. Licensee must also indicate any dates on which the Station operated at a variance from its licensed parameters, including specification of the unauthorized location and the technical parameters used.

⁶ 47 U.S.C. § 312(g) (emphasis added). The Commission has exercised its discretion under section 312(g) to extend or reinstate a station's expired license "to promote equity and fairness" only in limited circumstances where a station's failure to transmit a broadcast signals for 12 consecutive months is due to compelling circumstances that were beyond the licensee's control, such as a natural disaster. *See e.g., A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 617, para. 27 (2008) ("This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited").

⁷ *See* 47 U.S.C. § 503(b)(1)(B); *see also e.g., Aura Holdings of Wisconsin, Inc.*, Notice of Apparent Liability for Forfeiture, 33 FCC Rcd 3688, 3696, para. 21 (2018), *aff'd*, Forfeiture Order, 34 FCC Rcd 2540 (2019) (imposing a \$19,693 penalty for failure to respond to letter of inquiry); *ABC Fulfillment Services LLC d/b/a HobbyKing USA LLC and HobbyKing.com, and Indubitably, Inc. d/b/a HobbyKing USA LLC, HobbyKing and HobbyKing.com*, Notice of Apparent Liability for Forfeiture, 33 FCC Rcd 5530 (2018) *aff'd*, Forfeiture Order, 35 FCC Rcd 7441 (2020), *recon. denied*, Memorandum Opinion and Order, 36 FCC Rcd 10688 (2021) (imposing \$39,278 forfeiture for failure to respond to letter of inquiry).

⁸ 47 CFR § 73.3568(a) ("... failure to respond to official correspondence or request for additional information, will be cause for dismissal"); *see also LPFM MX Group 37*, Memorandum Opinion and Order, 31 FCC Rcd 7512, 7517, para. 12 (2016) (dismissing application for failure to respond to letter of inquiry).

In addition to the narrative statement, Licensee must submit documentation from the beginning of the license term to the present, of:

1. The Station's operational status, including periods of silence or unauthorized operation.
2. The Station's location, effective radiated power and antenna height above ground level.
3. The Station's leases, personnel records, (including payroll records appropriately redacted to protect the privacy of individual employees), engineering records, and station logs, including EAS logs.
4. Copies of all invoices, bills, including utility bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to the Station's operation.
5. Photographs of the Station's studio facilities and transmission facilities during this timeframe, including the dates applicable to each photograph taken, and exact Station coordinates.

Affidavits or Declarations. In addition to the documentation noted above, Licensee must support its response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized representative of Licensee, with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein and that all of the information requested by this letter which is in Licensee possession, custody, control or knowledge has been produced. If multiple persons contribute to the response, in addition to such general affidavit or declaration of the authorized representative of Licensee noted above, any such person (or any other affiant or declarant) that is relying on the personal knowledge of any other individual, rather than his or her own knowledge, must provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with section 1.16 of the Rules,⁹ and be substantially in the form set forth therein. We remind Licensee that to knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.¹⁰ Moreover, failure to respond appropriately to this letter of inquiry may constitute a violation of the Act and the Rules.

We also note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the Station's tower shall be maintained.¹¹

All submissions must include a cover letter addressed to Marlene S. Dortch, Secretary, FCC 45 L Street N.E., Washington, DC, 20554, and **sent via email ONLY**, to alexander.sanjenis@fcc.gov and olivia.hill@fcc.gov.

⁹ 47 CFR § 1.16.

¹⁰ 47 CFR §1.17.

¹¹ See 47 CFR §§ 17.6 and 73.1740(a)(4).

Failure to respond to this letter within the specified time will result in adverse actions jeopardizing both the Station's license and call letters. If you have any questions concerning the content of this letter, please contact Alexander Sanjenis at 202-418-2779, or alexander.sanjenis@fcc.gov.

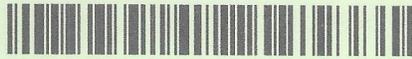
Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Cape Cod Regional Tech High School
c/o Burt Fisher
351 Pleasant Lake Ave.
Harwich, MA 02645



9590 9402 8126 2349 4550 61

2. Article Number (Transfer from service label)

7004 1160 0000 2618 0161

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X  Agent
 Addressee

B. Received by (Printed Name)

Jill F. Mullen

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |

Restricted Delivery