



Federal Communications Commission  
Washington, D.C. 20554

March 21, 2024

*In Reply Refer to: 1800B3-VM*

**Sent by Certified Mail Return Receipt Requested and Electronic Mail**

Alerta Communications Network Inc.  
236 Third Street PH  
Lakewood, NJ 08701  
info@alerta.com

**In re: WUPC-LP, Arrowhead Village, NJ**  
Facility ID No. 133835  
Silent since November 29, 2022

**Notification of License Cancellation**

Dear Licensee:

This letter is to inform you that the license of LPFM Station WUPC-LP (Station), licensed to Alerta Communications Network Inc. (Licensee), has expired pursuant to section 312(g) of the Communications Act of 1934, as amended (Act).

On December 12, 2023, we sent you a letter stating that our records indicated that the Station had been silent since at least November 29, 2022.<sup>1</sup> Licensee was required to clarify this matter in writing within forty-five days of the date of the Letter. To date, we have received no response.<sup>2</sup> Therefore, pursuant to section 312(g) of the Communications Act of 1934, as amended (Act),<sup>3</sup> the station's license expired as a matter of law at 12:01 a.m., November 30, 2023.<sup>4</sup>

Therefore, the Commission's public and internal databases HAVE BEEN MODIFIED to indicate that the broadcast license for the referenced station is EXPIRED, that the station's license is CANCELLED as a matter of law, and that the station's call sign is DELETED. In addition, the Station's pending application for renewal of license is DISMISSED.<sup>5</sup>

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<sup>1</sup> See Letter from Albert Shuldiner, Chief, Audio Division, Media Bureau, FCC, to Alerta Communications Network Inc. (sent by certified mail, return receipt requested, Dec. 12, 2023) (Letter).

<sup>2</sup> We note that a notice of resumption of operation (File No. 0000232521) was filed after our letter was emailed to the Licensee. The notice fails to address our inquiry and is thus not a response. In addition, two complaints were filed after December 12, 2023, stating that the Station had not resumed operation as of the date stated in the notice. See Email from Jim George to James Bradshaw, Deputy Chief, Audio Division, Media Bureau, FCC (Dec. 12, 2023, 19:01 EST); Email from Neal Newman to Victoria McCauley, Attorney, Audio Division, Media Bureau, FCC (Dec. 20, 2023 14:09 EST).

<sup>3</sup> See 47 U.S.C. § 312(g); *Eagle Broad. Group, Ltd. v. FCC*, 563 F.3d 543 (D.C. Cir. 2009); *A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603 (2008).

<sup>4</sup> Section 312(g) of the Act provides that 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.

<sup>5</sup> Application File No. 0000184140.

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.<sup>6</sup>

Sincerely,

*Albert Shuldiner*

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

cc (via electronic mail):

Dan J. Alpert Esq. (DJA@COMMLAW.TV)  
(Contact Representative for Alerta Communications Network Inc.)

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<sup>6</sup> 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).