



Federal Communications Commission
Washington, D.C. 20554

April 4, 2024

Sent via electronic mail

In reply refer to: 1800B3-KC

Brad C. Deutsch, Esq.
Foster Garvey PC
3000 K Street, N.W.
Suite 420
Washington, DC 20007
brad.deutsch@foster.com

RE: W223BH, Portland, ME
Facility ID No. 145407
Silent since February 9, 2024
Request for Special
Temporary Authority to Remain Silent

Dear Mr. Deutsch:

This letter concerns the request you filed on March 29, 2024, on behalf of Atlantic Coast Radio, LLC (ACR), for Special Temporary Authority (STA) to permit FM Translator Station W223BH to remain silent.

ACR's request states that Station W223BH went silent on February 9, 2024, because it lost its programming source.

ACR's request is granted. Accordingly, Special Temporary Authority is granted to permit Station W223BH to remain silent not to exceed 180 days from the date of this letter. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station W223BH will automatically expire as a matter of law if broadcast operations do not resume by 12:01 a.m., February 10, 2025.**¹

ACR is required to notify the Commission when broadcast operations resume.² If ACR 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.³

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. In the event of license cancellation, 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.⁴

¹ See 47 U.S.C. § 312(g). The date set in this letter for the license expiration supersedes any notice generated from the FCC Licensing and Management System (LMS).

² 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.

³ *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.

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

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.⁵ 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. ACR failed to submit a timely request for an STA to permit Station W223BH to remain silent beyond March 9, 2024, and the action taken herein shall not be construed as a waiver of section 73.1740(a)(4) or as authorizing the station to remain silent between March 9, 2024, and March 29, 2024.

Sincerely,

A handwritten signature in blue ink that reads "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

⁵ See 47 C.F.R. § 73.1740(a)(4).