



Federal Communications Commission
Washington, D.C. 20554

April 22, 2024

In Reply Refer to: 1800B3-VMM

Sent Via Certified Mail Return Receipt Requested and Electronic Mail

Langer Broadcasting Group, LLC
94 Saint Rose Street
Boston, MA 02130
amoskowitz@amoskowitzlaw.com

In re: **WZBR(AM), Dedham, MA**
Facility ID No. 41348

W251CR, Medford, MA
Facility ID No. 209291

Operational Status Inquiry

Dear Licensee:

Our records show that AM Station WZBR, Dedham, Massachusetts, and FM Translator Station W251CR, Medford, Massachusetts (collectively, Stations), licensed to Langer Broadcasting Group, LLC (Licensee), may have been silent or operating with unauthorized facilities for more than a year. Pursuant to section 73.1015 of the Commission's rules (Rules), Licensee is required to clarify this matter in writing within forty-five (45) days of the date of this letter.

Background. According to our records, the Stations went silent on March 5, 2023, for financial reasons.¹ On March 5, 2024, Licensee filed Notices of Resumption of Operation for the Stations.² The Notice of Resumption of Operations for Station WZBR(AM), stated the following:

Langer Broadcasting Group, LLC, licensee of Radio Station WZBR(AM), FI 41348, Dedham, MA respectfully notifies the Federal Communications Commission that WZBR returned to operation on March 5, 2024 with less than licensed facilities. WZBR is operating with 10 watts ERP from a 250 foot tower at coordinates 42,12,42.3 N, 71, 6, 49.1 W (ASR 1006957). The licensee will be contemporaneously requesting Special Temporary Authority.³

The W251CR Notice of Resumption stated that the Station was operating with licensed facilities (which rebroadcast WZBR).⁴ A request for STA for Station WZBR to operate at variance was filed on March 11, 2024 and remains pending.⁵ On April 2, 2024, Licensee filed a request for silent STA for the Stations

¹ See Application File Nos. 0000212492 (WZBR), 0000212491 (W251CR) (gr. Mar. 22, 2023, Exp. Sept. 21, 2023); 0000220122, 0000220128 (gr. Sept. 13, 2023, exp. March 6, 2024).

² See Application File Nos. 0000240428 (pending; filed Mar. 5, 2024) (WZBR Notice of Resumption); 0000240429 (pending; filed Mar. 5, 2024) (W251CR Notice of Resumption).

³ See WZBR Notice of Resumption.

⁴ See W251CR Notice of Resumption.

⁵ See Application File No. 0000240641 (filed Mar. 11, 2024).

for technical reasons.⁶

Licensee was required to resume operation at the Stations with authorized facilities prior to 12:01 a.m. on March 6, 2024 to avoid license expiration.⁷ The operation described in the WZBR Notice of Resumption on March 5, 2024, was at an alternate site from the licensed site and was unauthorized.⁸ Although Licensee stated that it was filing the STA to operate contemporaneously with the WZBR Notice of Resumption, the request for STA covering this operation was filed on March 11, 2024 and remains pending. Our rules require that all STA operation be covered by a granted application.⁹ The operation of Station W251CR depends on Station WZBR's authorized operation and thus is also unauthorized.

Based on this information, it appears that the Stations may have been silent (or failed to operate with authorized facilities) for more than one year. Pursuant to section 312(g) of the 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.**¹⁰

This letter provides Licensee **45 days** to submit evidence of the Stations' operation with authorized facilities from March 5, 2023, 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 licenses for the Stations are EXPIRED, that the Stations' license are CANCELED as a matter of law, and that the Stations' call signs are DELETED.

Information and Materials Requested.

Operational Status. The materials required to establish the operational status of the Stations are as follows. **Failure to respond appropriately to this letter constitutes a violation of the Act and Rules.**¹¹

First, Licensee must provide a narrative statement that indicates the Stations' operational status from March 5, 2023 to the present. Licensee must indicate the dates on which the Stations were silent, operated with licensed facilities, or operated with technical parameters other than those specified by 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 Stations operated at a variance from its licensed parameters, including specification of the unauthorized location and the technical parameters used.

⁶ See Application File Nos. 0000242815 (WZBR), 0000242816 (W251CR) (pending, filed Apr. 2, 2024).

⁷ 47 U.S.C. §312(g).

⁸ 47 CFR §73.1635(a).

⁹ *Id.*

¹⁰ 47 U.S.C. §312(g).

¹¹ 47 CFR § 73.1015.

In addition to the narrative statement, Licensee must submit documentation from March 5, 2023 to the present, of:

1. The Stations' operational status, including periods of silence or unauthorized operation.
2. The Stations' locations, effective radiated power and antenna height above ground level.
3. The Stations' 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 Stations' operation.
5. Photographs of the Stations' 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, 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. 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 Stations' towers shall be maintained.¹²

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 victoria.mccauley@fcc.gov.¹³

¹² 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).

¹³ In the event that a submission would exceed 5 MB, you must first contact Ms. McCauley to explain the nature of the documentation and seek guidance as to whether the submission should be provided in multiple e-mails or reduced by providing representative documents, rather than all documents, of a particular nature.

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 Victoria McCauley at 202-418-2136, or victoria.mccauley@fcc.gov.

Sincerely,

Albert Shuldiner

Albert Shuldiner
Chief, Audio Division
Media Bureau