Federal Communications Commission
Washington, D.C. 20554

February 12, 2014

Latina Broadcasters of Daytona Beach, LLC
3006 Woodside Street
Suite 2019
Dallas, Texas 75204

WDYB-LP, Daytona Beach, Florida
Facility I.D. No. 41375
File No. BLDTA-20121115ACK

Dear Applicant:

We write in response to your "Application for Class A Television Broadcast Station Construction Permit or License" filed on November 15, 2012.[1] In that application, Latina Broadcasters of Daytona Beach, LLC ("Latina Broadcasters") certified that the station "does, and will continue to, broadcast . . . a minimum of 18 hours per day . . . and . . . an average of at least 3 hours per week of programming each quarter produced within the market area served by the station. . . ." Based on the station's failure to meet this certification, the Commission denies your application.

The Community Broadcasters Protection Act of 1999 ("CBPA") provides qualifying low-power television stations with primary spectrum use status.[2] The CBPA grants the Commission discretion to determine whether "the public interest, convenience, and necessity would be served by treating the station as a qualifying low-power television station. . . ."[3] To remain a "qualifying low-power station," a station must continue to "broadcast a minimum of 18 hours per day [and] . . . broadcast an average of at least 3 hours per week of programming that was produced within the market area served by such station. . . ."[4] The Commission rules implementing the statute require that stations continue to meet these broadcasting requirements[5] to remain eligible for Class A status.[6]

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[1] File No. BLDTA-20121115ACK

[2] Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594-1501A-598(1999), codified at 47 U.S.C. § 336.

[3] 47 U.S.C. § 336(f)(2)(B).

[4] 47 U.S.C. § 336(f)(2)(A)(i)(I-III).

[5] 47 C.F.R. § 73.6001(b)(1)-(2).

[6] 47 C.F.R. § 73.6001(c); In the Matter of Establishment of a Class A Television Service, MM Docket No. 00-10, Report and Order, 15 FCC Rcd 6355, 6366 (2000) ("R & O") ("As provided in Section (f)(1)(A)(ii) of the CBPA, Class A licensees must also continue to meet the requirements for a qualifying low-power station in order to continue to be accorded Class A status."); *see also LocalOne Texas, Ltd.*, Letter Decision, 20 FCC Rcd 13521, 13523 (MB. 2005).

The assignment of WDYB-LP to Latina Broadcasters was consummated on October 15, 2010.[7] The station was silent from October 14, 2010 through October 5, 2011, and again from November 8, 2011 through September 29, 2012. The station was not granted Commission authority to remain silent during these periods. Thus, the station operated for approximately one month during Latina Broadcasters' first two years of serving as Licensee. Based on the Licensee's failure to meet its ongoing broadcasting requirements, the Commission concludes that it would not be in the public interest, convenience, and necessity to grant the station Class A licensure.

ACCORDINGLY, the Application for Class A Television Broadcast Station License **IS DISMISSED**.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc:
Marnie K. Sarver
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[7] File No. BALTTA - 20090223ABS