

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Accepted / Filed

MAR 11 2015

Federal Communications Commission
Office of the Secretary

In re)
)
Budd Broadcasting Co., Inc.) WFXU(DT), Live Oak, FL
) Facility ID No. 22245
) File No. BRC DT-20120925ACP
)

TO: Office of the Secretary
Attn.: Chief, Video Division

PETITION FOR RECONSIDERATION

Budd Broadcasting Co., Inc. ("Budd"), by its attorneys, requests reconsideration of the February 10, 2015 letter signed by the Deputy Chief, Video Division. In that letter, the WFXU(DT) license was cancelled. In the letter ruling the Commission stated that it had no evidence that WFXU has been on the air between August 4, 2008, when it went silent, and November 15, 2009, when it resumed operations.¹ The Commission stated the following:

"The automatic expiration provision of Section 312(g) of the Act is clear. This means that absent any evidence to the contrary provided by Licensee, WFXU(DT)'s license expired on August 4, 2009 – following a consecutive 12-month period of silence."

¹ Budd filed a Notification of Suspension of Operations and Request for Silent STA on August 12, 2008 (BLSTA-20080812AAR) stating that the station had gone silent on August 4, 2008 due to issues with its transmitter. On November 16, 2009, Budd filed a letter with the Commission stating that it had resumed operations on November 15, 2009.

ORIGINAL

As will be demonstrated, WFXU was never off the air for a consecutive twelve (12) month period. Thus, reconsideration and reinstatement of the WFXU(DT) license is mandated. In support, Budd submits the following:

The Commission is focusing on the period of time commencing August 4, 2008 and terminating August 4, 2009.

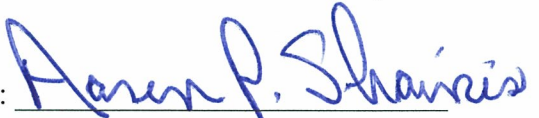
Attached to the instant submission are the following:

- a) Declaration of Harvey M. Budd (Attachment A). Mr. Budd is the president of Budd Broadcasting Co., Inc. In that Declaration, Mr. Budd states that during the period between August 4, 2008 and August 4, 2009, WFXU was not continuously silent;
- b) Declaration of Robert Carr (Attachment B). Mr. Carr is a technical consultant to Budd. Mr. Carr in his statement recalls that during the period in question (August 4, 2008 – August 4, 2009), WFXU resumed operations, specifically, October 2008 and November 2009.
- c) Attachment C is a Service Summary from Suwannee Valley Electric Cooperative. Budd is the customer on the account. It is clear that in October/November 2008, the meter reading was 12265 and the prior reading was 7059. The November/December reading was 3650 and the prior reading was 1036. These differences are due to the station resuming broadcast operations.
- d) Attachment D is a Consumption History Report from Suwannee Valley Electric Cooperative. It shows increases during the months when WFXU was operating. See, for example, the meter reading taken in August 2009 (this was a reading covering the prior thirty (30) days).

It is clear from the foregoing that WFXU-TV was not off the air for a consecutive twelve (12) month period. Thus, Budd did not violate the mandate of Section 312(g) of the Communications Act. Accordingly, reconsideration and reinstatement is required.²

Respectfully submitted,

BUDD BROADCASTING CO., INC.

By: 

Aaron P. Shainis

Its Counsel

Shainis & Peltzman, Chartered , NW
1850 M Street NW, Suite 240
Washington, DC 20036

Dated: March 11, 2015

² Budd is concurrently filing a Request for Special Temporary Authority ("STA") to allow it to continue operation while the instant Petition is pending.

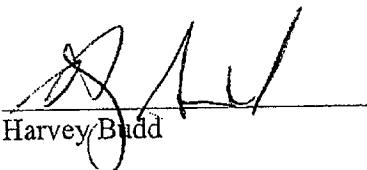
ATTACHMENT A

DECLARATION OF HARVEY BUDD

Harvey Budd, president of Budd Broadcasting Co., Inc., hereby states under penalty of perjury the following:

I have reviewed the Commission's February 10, 2015 letter. The Commission questions whether WFXU was silent for a consecutive twelve (12) month period. Specifically, the period between August 4, 2008 and August 4, 2009. I can categorically state that during a portion of this period, WFXU did broadcast. In this regard, I was cognizant that the station could not be silent for a consecutive twelve month period. I was aware of the consequences – automatic cancellation of the license. Accordingly, I instructed my technical consultant, Robert Carr, to put the station back on the air prior to August 4, 2009. Furthermore, the station broadcast a public affairs program when it returned to the air.

To refresh my recollection, I have reviewed the Kilowatt Usage Summary and Consumption History provided by Suwannee Valley Electric Cooperative. It is evident, based on spikes in consumption, that WFXU was operating in October/November 2008 and November/December 2008. Thus, during the period in question, the station did resume broadcast operations on two (2) occasions.


Harvey Budd

March 10, 2015

0000100404



Suwannee Valley
Electric Cooperative
PO Box 340, 11340 100th St.
Live Oak, FL 32064

Our office hours are 8 A.M. to 4:30 P.M., Monday - Friday
Drive in Window and Telephone Hours are 8 A.M. - 5 P.M.
Phone (386) 362-2226 & (800) 447-4509
24 Hour Outage Phone: (386) 364-5200 & (800) 752-0025

2803 1 MB 0.369
BUDD BROADCASTING, INC
4150 NW 93RD AVE
GAINESVILLE FL 32653-7823

4 2803
C-7 P-7



SERVICE SUMMARY

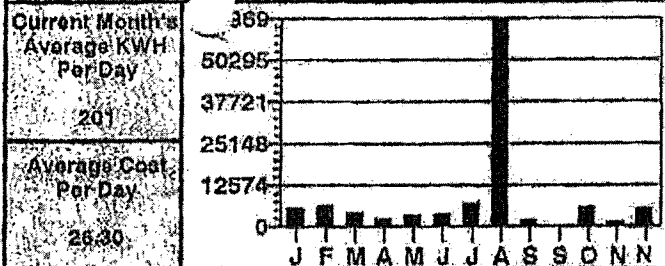
Account Number: 0000100404
Name: BUDD BROADCASTING, INC
Location Number: B427750501
Service Address: 302766
Billing Date: 11/14/2008
Due Date: 12/04/2008
Current Bill Cut-off Date: 12/16/2008
Service Dates: 10/06/2008 - 11/06/2008
Days of Service: 31
Type of Bill: REGULAR BILL

READINGS THIS PERIOD

Meter Number	Current Reading	Prior Reading	Multiplier	KWH's Used	Rate
30000177	12265	7059	1.0000	5206	5
30000151	1036	0	1.0000	1036	5

HANKSGIVING IS THE TIME TO TAKE A BREAK FROM OUR HECTIC LIVES,
D ENJOY TIME WITH OUR FAMILY & TO GIVE THANKS FOR OUR MANY
LESSINGS. HAPPY THANKSGIVING FROM YOUR COOPERATIVE!

KWH USAGE HISTORY



IF YOU HAVE AN INTERRUPTION IN YOUR ELECTRIC SERVICE,
CHECK YOUR FUSES OR CIRCUIT BREAKERS BEFORE
CALLING. PLEASE REPORT OUTAGE IMMEDIATELY.

PLEASE SEE BACK OF BILL FOR OTHER IMPORTANT
INFORMATION.

ACCOUNT ACTIVITY

PREVIOUS BALANCE	702.48
PAYMENTS	-702.19
ADJUSTMENTS	0.00
BALANCE FORWARD	0.29

PAST DUE AMOUNT AS OF 11/14/08	0.29
ENERGY CHARGE	649.17
FACILITIES CHARGE	12.00
POWER COST ADJUSTMENT	74.90
STATE TAX	52.84
COUNTY TAX	7.55
GROSS RECEIPTS TAX	18.85
CURRENT MONTH CHARGES	815.31

We appreciate the timely manner in which you pay your electric bill.

Delinquent Date	12/04/2008	Net Due	815.60
Gross Due After	12/05/2008	Gross Due	852.40

0000100404



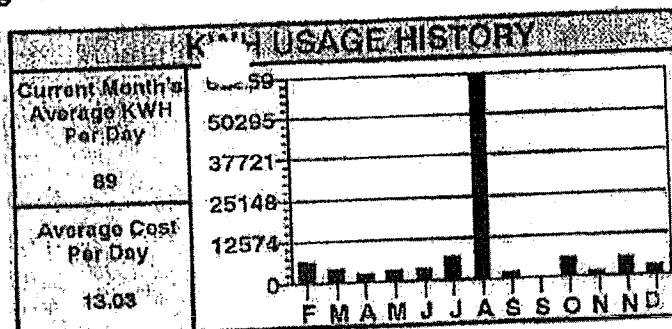
Suwannee Valley
Electric Cooperative
PO Box 340, 11340 100th St.
Live Oak, FL 32064

1/2/09
CA-5593
377.76

Our office hours are 8 A.M. to 4:30 P.M., Monday - Friday
Drive In Window and Telephone Hours are 8 A.M. - 5 P.M.
Phone (386) 362-2226 & (800) 447-4509
24 Hour Outage Phone: (386) 364-5200 & (800) 752-0025

2799 1 MB 0.369
BUDD BROADCASTING, INC
4150 NW 93RD AVE
GAINESVILLE FL 32653-7823

4 2799
C-9 P-9



IF YOU HAVE AN INTERRUPTION IN YOUR ELECTRIC SERVICE,
CHECK YOUR FUSES OR CIRCUIT BREAKERS BEFORE
CALLING. PLEASE REPORT OUTAGE IMMEDIATELY.

PLEASE SEE BACK OF BILL FOR OTHER IMPORTANT
INFORMATION.

ACCOUNT ACTIVITY

PREVIOUS BALANCE	815.60
PAYMENTS	-815.60
ADJUSTMENTS	0.00
BALANCE FORWARD	0.00

BALANCE PRIOR TO THIS BILLING ON 12/18/08	0.00
ENERGY CHARGE	267.18
KVA MINIMUM UP CHARGE	31.04
FACILITIES CHARGE	12.00
POWER COST ADJUSTMENT	30.83
STATE TAX	24.48
COUNTY TAX	3.50
GROSS RECEIPTS TAX	8.73
CURRENT MONTH CHARGES	377.76

We appreciate the timely manner in which you pay your electric bill.

SERVICE SUMMARY

Account Number: 0000100404
Name: BUDD BROADCASTING, INC
Location Number: B427750501
Service Address: 302766
Billing Date: 12/18/2008
Due Date: 01/07/2009
Current Bill Cut-off Date: 01/14/2009
Service Dates: 11/06/2008 - 12/05/2008
Days of Service: 29
Type of Bill: REGULAR BILL

READINGS THIS PERIOD

Meter Number	Current Reading	Prior Reading	Multiplier	KWH's Used	Rate
30000151	3605	1036	1.0000	2569	5

SVEC OFFICES WILL CLOSE AT 3:30 PM ON DEC 24TH, & WILL BE CLOSED ON DEC 25TH & DEC 26TH FOR THE CHRISTMAS HOLIDAYS. SVEC WISHES YOU & YOURS A MERRY CHRISTMAS!

Delinquent Date	01/07/2009	Net Due	377.76
Gross Due After	01/08/2009	Gross Due	394.81

Service Location: BLVD BROADCASTING, INC. CUSID: 9117663

Receivable
Payments

Consumption History									
Month	Day	Time	Sec	Rate	Usage	Cost	Rate	Usage	Cost
Dec 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Jan 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Feb 2009	29	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Mar 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Apr 2009	30	12:00am	12:00am	100405	100405	100405	100405	100405	100405
May 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Jun 2009	30	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Jul 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Aug 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Sep 2009	30	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Oct 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Nov 2009	30	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Dec 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Jan 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Feb 2009	29	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Mar 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Apr 2009	30	12:00am	12:00am	100405	100405	100405	100405	100405	100405
May 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Jun 2009	30	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Jul 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Aug 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Sep 2009	30	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Oct 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Nov 2009	30	12:00am	12:00am	100405	100405	100405	100405	100405	100405
Dec 2009	31	12:00am	12:00am	100405	100405	100405	100405	100405	100405

Averages									
Month	1	2	3	4	5	6	7	8	9
Jan 2009	1	2	3	4	5	6	7	8	9
Feb 2009	1	2	3	4	5	6	7	8	9
Mar 2009	1	2	3	4	5	6	7	8	9
Apr 2009	1	2	3	4	5	6	7	8	9
May 2009	1	2	3	4	5	6	7	8	9
Jun 2009	1	2	3	4	5	6	7	8	9
Jul 2009	1	2	3	4	5	6	7	8	9
Aug 2009	1	2	3	4	5	6	7	8	9
Sep 2009	1	2	3	4	5	6	7	8	9
Oct 2009	1	2	3	4	5	6	7	8	9
Nov 2009	1	2	3	4	5	6	7	8	9
Dec 2009	1	2	3	4	5	6	7	8	9

SHILLI

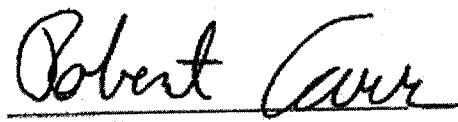
ATTACHMENT B

DECLARATION OF ROBERT CARR

Robert Carr hereby states under penalty of perjury the following:

I am a technical consultant to Budd Broadcasting Co., Inc., the licensee of WFXU(TV), Live Oak, Florida. In my capacity as technical consultant, one of my responsibilities is to make sure that WFXU was not silent for a consecutive twelve (12) month period. I can confirm that at no time did WFXU fail to broadcast for a consecutive twelve (12) month period.

With respect to the period commencing August 4, 2008 to August 4, 2009, the station did broadcast during this period. In this regard, the station broadcast in October/November 2008 and November/December 2008. See attached Kilowatt Usage Summary and Consumption History from Suwannee Valley Electric Cooperative. I also recollect placing WFXU back on the air during this period. It was placed back on the air on two (2) separate occasions.


Robert Carr

March 10, 2015

0000100404



Suwannee Valley
Electric Cooperative
PO Box 340, 11340 100th St.
Live Oak, FL 32064

Our office hours are 8 A.M. to 4:30 P.M., Monday - Friday
Drive In Window and Telephone Hours are 8 A.M. - 5 P.M.
Phone (386) 362-2226 & (800) 347-4509
24 Hour Outage Phone: (386) 364-5200 & (800) 752-0025

2803 1 MB 0.369
BUDD BROADCASTING, INC
4150 NW 93RD AVE
GAINESVILLE FL 32653-7823

4 2803
C-7 P-7



SERVICE SUMMARY

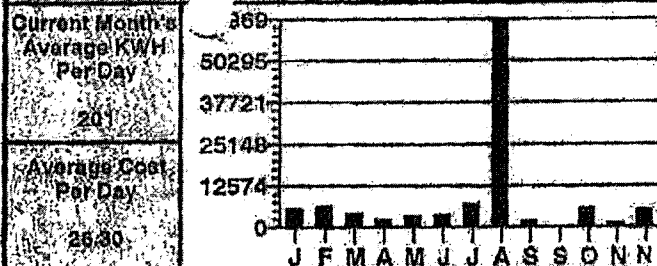
Account Number: 0000100404
Name: BUDD BROADCASTING, INC
Location Number: B427750501
Service Address: 302766
Billing Date: 11/14/2008
Due Date: 12/04/2008
Current Bill Cut-off Date: 12/16/2008
Service Dates: 10/06/2008 - 11/06/2008
Days of Service: 31
Type of Bill: REGULAR BILL

READINGS THIS PERIOD

Meter Number	Current Reading	Prior Reading	Multiplier	KWH's Used	Rate
30000177	12265	7059	1.0000	5206	5
30000151	1036	0	1.0000	1036	5

HANKSGIVING IS THE TIME TO TAKE A BREAK FROM OUR HECTIC LIVES,
D ENJOY TIME WITH OUR FAMILY & TO GIVE THANKS FOR OUR MANY
LESSINGS. HAPPY THANKSGIVING FROM YOUR COOPERATIVE!

KWH USAGE HISTORY



IF YOU HAVE AN INTERRUPTION IN YOUR ELECTRIC SERVICE,
CHECK YOUR FUSES OR CIRCUIT BREAKERS BEFORE
CALLING. PLEASE REPORT OUTAGE IMMEDIATELY.

PLEASE SEE BACK OF BILL FOR OTHER IMPORTANT
INFORMATION.

ACCOUNT ACTIVITY

PREVIOUS BALANCE	702.48
PAYMENTS	-702.19
ADJUSTMENTS	0.00
BALANCE FORWARD	0.29

PAST DUE AMOUNT AS OF 11/14/08	0.29
ENERGY CHARGE	649.17
FACILITIES CHARGE	12.00
POWER COST ADJUSTMENT	74.90
STATE TAX	52.84
COUNTY TAX	7.55
GROSS RECEIPTS TAX	18.85
CURRENT MONTH CHARGES	815.31

We appreciate the timely manner in which you pay your
electric bill.

Delinquent Date	12/04/2008	Net Due	815.60
Gross Due After	12/05/2008	Gross Due	852.40

lar 06 15 05:06p

Budd Budd Broadcasting Co 3523785522

p.3

0000100404



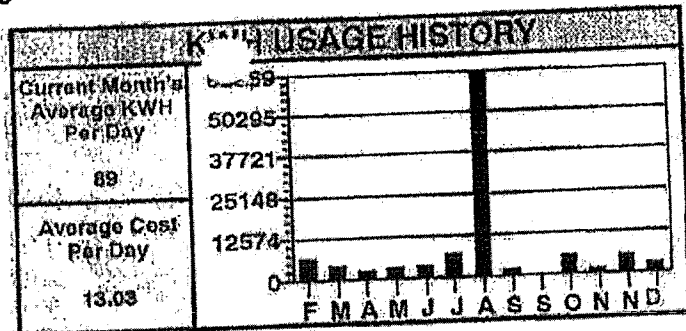
Suwannee Valley
Electric Cooperative
PO Box 340, 11340 100th St.
Live Oak, FL 32064

1/2/09
CA-5593
*377.76

Our office hours are 8 A.M. to 4:30 P.M., Monday - Friday
Drive In Window and Telephone Hours are 8 A.M. - 5 P.M.
Phone (386) 362-2226 & (800) 447-4509
24 Hour Outage Phone: (386) 364-5200 & (800) 752-0025

2799 1 MB 0.369
BUDD BROADCASTING, INC
4150 NW 93RD AVE
GAINESVILLE FL 32653-7823

4 2799
C-9 P-9



ACCOUNT ACTIVITY

PREVIOUS BALANCE	815.60
PAYMENTS	-815.60
ADJUSTMENTS	0.00
BALANCE FORWARD	0.00

BALANCE PRIOR TO THIS BILLING ON 12/18/08	0.00
ENERGY CHARGE	267.18
KVA MINIMUM UP CHARGE	31.04
FACILITIES CHARGE	12.00
POWER COST ADJUSTMENT	30.83
STATE TAX	24.48
COUNTY TAX	3.50
GROSS RECEIPTS TAX	8.73
CURRENT MONTH CHARGES	377.76

We appreciate the timely manner in which you pay your electric bill.

Delinquent Date	01/07/2009	Net Due	377.76
Gross Due After	01/08/2009	Gross Due	394.81

SERVICE SUMMARY

Account Number: 0000100404
Name: BUDD BROADCASTING, INC
Location Number: B427750501
Service Address: 302766
Billing Date: 12/18/2008
Due Date: 01/07/2009
Current Bill Cut-off Date: 01/14/2009
Service Dates: 11/06/2008 - 12/05/2008
Days of Service: 29
Type of Bill: REGULAR BILL

READINGS THIS PERIOD

Meter Number	Current Reading	Prior Reading	Multiplier	KWH's Used	Rate
30000151	3605	1036	1.0000	2569	5

SVEC OFFICES WILL CLOSE AT 3:30 PM ON DEC 24TH, & WILL BE CLOSED ON DEC 25TH & DEC 26TH FOR THE CHRISTMAS HOLIDAYS. SVEC WISHES YOU & YOURS A MERRY CHRISTMAS!

Receivable
greenbacks[illegible]

Supporting Personnel
1000
1100
1200
1300
1400
1500
1600
1700
1800
1900
2000
2100
2200
2300
2400
2500
2600
2700
2800
2900
3000
3100
3200
3300
3400
3500
3600
3700
3800
3900
4000
4100
4200
4300
4400
4500
4600
4700
4800
4900
5000
5100
5200
5300
5400
5500
5600
5700
5800
5900
6000
6100
6200
6300
6400
6500
6600
6700
6800
6900
7000
7100
7200
7300
7400
7500
7600
7700
7800
7900
8000
8100
8200
8300
8400
8500
8600
8700
8800
8900
9000
9100
9200
9300
9400
9500
9600
9700
9800
9900
10000

UNITED STATES

ATTACHMENT C

0000100404



Suwannee Valley
Electric Cooperative
PO Box 340, 11340 100th St.
Live Oak, FL 32064

Our office hours are 8 A.M. to 4:30 P.M., Monday - Friday
Drive In Window and Telephone Hours are 8 A.M. - 5 P.M.
Phone (386) 362-2226 & (800) 447-4509
24 Hour Outage Phone: (386) 364-5200 & (800) 752-0025

2803 1 MB 0.369
BUDD BROADCASTING, INC
4150 NW 93RD AVE
GAINESVILLE FL 32653-7823

4 2803
C-7 P-7



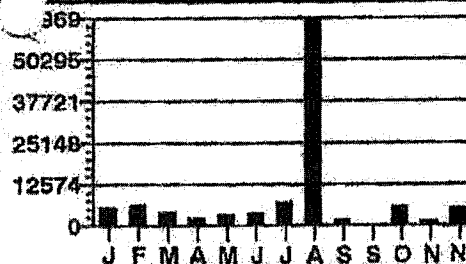
KWH USAGE HISTORY

Current Month's
Average KWH
Per Day

201

Average Cost
Per Day

28.30



IF YOU HAVE AN INTERRUPTION IN YOUR ELECTRIC SERVICE,
CHECK YOUR FUSES OR CIRCUIT BREAKERS BEFORE
CALLING. PLEASE REPORT OUTAGE IMMEDIATELY.

PLEASE SEE BACK OF BILL FOR OTHER IMPORTANT
INFORMATION.

ACCOUNT ACTIVITY

PREVIOUS BALANCE	702.48
PAYMENTS	-702.19
ADJUSTMENTS	0.00
BALANCE FORWARD	0.29

PAST DUE AMOUNT AS OF 11/14/08	0.29
ENERGY CHARGE	649.17
FACILITIES CHARGE	12.00
POWER COST ADJUSTMENT	74.90
STATE TAX	52.84
COUNTY TAX	7.55
GROSS RECEIPTS TAX	18.85
CURRENT MONTH CHARGES	815.31

We appreciate the timely manner in which you pay your electric bill.

SERVICE SUMMARY

Account Number: 0000100404
Name: BUDD BROADCASTING, INC
Location Number: B427750501
Service Address: 302766
Billing Date: 11/14/2008
Due Date: 12/04/2008
Current Bill Cut-off Date: 12/16/2008
Service Dates: 10/06/2008 - 11/06/2008
Days of Service: 31
Type of Bill: REGULAR BILL

READINGS THIS PERIOD

Meter Number	Current Reading	Prior Reading	Multiplier	KWH's Used	Rate
30000177	12265	7059	1.0000	5206	5
30000151	1036	0	1.0000	1036	5

HANKSGIVING IS THE TIME TO TAKE A BREAK FROM OUR HECTIC LIVES,
O ENJOY TIME WITH OUR FAMILY & TO GIVE THANKS FOR OUR MANY
LESSINGS. HAPPY THANKSGIVING FROM YOUR COOPERATIVE!

Delinquent Date	12/04/2008	Net Due	815.60
Gross Due After	12/05/2008	Gross Due	852.40

Jan 06 15 05:06p

Budd Budd Broadcasting Co 3523785522

p.3

0000100404



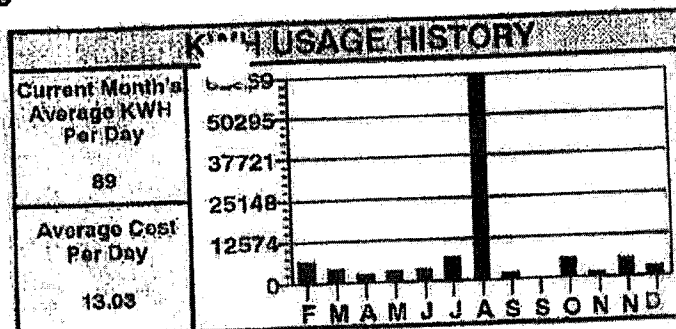
Suwannee Valley
Electric Cooperative
PO Box 340, 11340 100th St.
Live Oak, FL 32064

1/2/09
ca-5593
+ 377.76

Our office hours are 8 A.M. to 4:30 P.M., Monday - Friday
Drive In Window and Telephone Hours are 8 A.M. - 5 P.M.
Phone (386) 362-2226 & (800) 447-4509
24 Hour Outage Phone: (386) 364-5200 & (800) 752-0025

2799 1 MB 0.369
BUDD BROADCASTING, INC
4150 NW 93RD AVE
GAINESVILLE FL 32653-7823

4 2799
C-9 P-9



IF YOU HAVE AN INTERRUPTION IN YOUR ELECTRIC SERVICE,
CHECK YOUR FUSES OR CIRCUIT BREAKERS BEFORE
CALLING. PLEASE REPORT OUTAGE IMMEDIATELY.

PLEASE SEE BACK OF BILL FOR OTHER IMPORTANT
INFORMATION.

ACCOUNT ACTIVITY	
PREVIOUS BALANCE	815.60
PAYMENTS	-815.60
ADJUSTMENTS	0.00
BALANCE FORWARD	0.00

SERVICE SUMMARY	
Account Number:	0000100404
Name:	BUDD BROADCASTING, INC
Location Number:	B427750501
Service Address:	302766
Billing Date:	12/18/2008
Due Date:	01/07/2009
Current Bill Cut-off Date:	01/14/2009
Service Dates:	11/06/2008 - 12/05/2008
Days of Service:	29
Type of Bill:	REGULAR BILL

BALANCE PRIOR TO THIS BILLING ON 12/18/08	0.00
ENERGY CHARGE	267.18
KVA MINIMUM UP CHARGE	31.04
FACILITIES CHARGE	12.00
POWER COST ADJUSTMENT	30.83
STATE TAX	24.48
COUNTY TAX	3.50
GROSS RECEIPTS TAX	8.73
CURRENT MONTH CHARGES	377.76

READINGS THIS PERIOD

Meter Number	Current Reading	Prior Reading	Multiplier	KWH's Used	Rate
30000151	3605	1036	1.0000	2569	5

SVEC OFFICES WILL CLOSE AT 3:30 PM ON DEC 24TH, & WILL BE CLOSED
ON DEC 25TH & DEC 26TH FOR THE CHRISTMAS HOLIDAYS. SVEC WISHES
YOU & YOURS A MERRY CHRISTMAS!

We appreciate the timely manner in which you pay your
electric bill.

Delinquent Date	01/07/2009	Net Due	377.76
Gross Due After	01/08/2009	Gross Due	394.81

ATTACHMENT D

