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March 22, 2016

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Federal Communications Commission
Office of the Secretary

VIA HAND DELIVERY
Office of the Secretary, FCC
445 12th Street SW
Washington, DC 20554
Attn: David J. Brown (via email)
Deputy Chief, Video Division
Media Bureau

Re: WFXU, Live Oak, FL
Facility ID: 22245

Dear Mr. Brown:

On behalf of Budd Broadcasting Co. Inc. ("Budd"), the licensee of television station WFXU(TV), Live Oak, Florida, I am responding to your letter of March 8, 2016 (copy attached). (Attachment A).

In your letter you ask for evidence of the station's activity during the fourth quarter of 2008.

At the outset, as you are aware, on April 30, 2015, Budd filed a "Supplement to Petition for Reconsideration". Attached to that submission were declarations of individuals who saw the station on the air, broadcasting "The Ilene Silverman Show" on November 21, 2008 and December 2, 2008. Copies of those Declarations are attached. (Attachment B).

Harvey M. Budd, the president of Budd Broadcasting Co., Inc., to the best of his recollection, believes that WFXU was broadcasting until approximately December 15, 2008. Mr. Budd's inability to provide the exact date the station went silent is because the station was in the final stages of terminating analog operation. During this timeframe, Mr. Budd was preoccupied with the transition to complete digital operation. As a result of this impending deadline, notifications that the station had resumed operations and had subsequently gone dark were not properly filed. See attached Declaration of Harvey M. Budd. (Attachment C).

ORIGINAL

The undersigned has reviewed firm's files and believes that the station resumed broadcasting on November 21, 2008 and ultimately went dark on December 15th, 2008.

In you letter your request confirmation as to whether the station is currently broadcasting over the air according to its licensed parameters.

Attached to this response are Declarations of Harvey M. Budd, Connie Amidei,[1] and Kelley Rosenlund.[2] and Ms. Amidei is the Vice President of Operations for Budd, and Mr. Rosenlund is an engineering consultant to Budd. All of the Declarants confirm that WFXU(TV) is currently operating over the air pursuant to its licensed parameters.[3]

If you have any questions or desire any further information, please advise me.

Sincerely,

Aaron P. Shainis

Aaron P. Shainis
Counsel for Budd Broadcasting
Company, Inc.

Enclosure

[1] Attachment D.
[2] Attachment E.
[3] Mr. Budd further confirms that WFXU has been operating consistent with its licensed parameters since August 30, 2013.

ATTACHMENT A

Federal Communications Commission
Washington, D.C. 20554

March 8, 2016

Aaron P. Shainis, Esq.
Shainis & Peltzman Chartered
1850 M Street, N.W., Suite 240
Washington, D.C. 20036

Re: WFXU, Live Oak, Florida
Facility ID: 22245

Dear Counsel:

This letter is in regard to station WFXU, Live Oak, Florida ("Station"), licensed to Budd Broadcasting Co., Inc ("Licensee"). According to both the Commission's records and your response to the Video Division's ("Division") February 20, 2014 letter sent to the Licensee pursuant to Section 1.88 of the Commission's Rules,[1] it appears that WFXU has cycled on and off the air throughout its license term as follows:

ON AIR - January 19, 2007 (date of Consummation) through August 21, 2007 **(Q1-3 2007)**
- SILENT - August 22, 2007 through May 29, 2008 (~9+ mos)

ON AIR – May 30, 2008 through July 25, 2008 **(Q2-3 2008)**
- SILENT - July 26, 2008 through July 31, 2008 (6 days)

ON AIR – August 1, 2008 through August 3, 2008
- SILENT - August 4, 2008 through November 20, 2008/22nd? Through December 1, 2008[2]

ON AIR – December 2, 2008 through ?? **(Q4 2008)**
- SILENT - ?????

ON AIR – November 15, 2009 through November 21, 2009 **(Q4 2009)**
- SILENT - November 22, 2009 through October 17, 2010 (~11 mos)

ON AIR - October 17, 2010 through November 13, 2010 **(Q4 2010)**
- SILENT - November 14, 2010 through November 12, 2011 (~1 year)

ON AIR - November 13, 2011 through November 30, 2011 **(Q4 2011)**
- SILENT - December 1, 2011 through November 12, 2012 (~11.5 mos)

[1] 47 U.S.C. § 1.88.

[2] In the Licensee's Supplement to its Petition for Reconsideration of the Division's letter cancelling the Station's license pursuant to Section 312(g) of the Act, the Licensee provides declarations of individuals in the community who certify to having seen a broadcast of "The Ilene Silverman Show" on WFXU on November 21, 2008 and December 2, 2008.

ON AIR - November 12, 2012 through December 12, 2012 (Q4 2012)

- SILENT - December 13, 2012 through August 27, 2013 (~8.5 mos)

ON AIR – August 28, 2013 → present (Q3 2013 - present)

By March 24, 2016, please provide: (1) evidence of the Station's activity during the fourth quarter of 2008,[3] (2) confirmation as to whether the Station is currently broadcasting over the air according to its licensed parameters, and (3) specific evidence if, on behalf of the Station, you dispute the above record of the Station's broadcast activity.

Sincerely,

David J. Brown
Deputy Chief, Video Division
Media Bureau

[3] The question marks that appear above for the fourth quarter of 2008 signify that our records are incomplete as to when WFXU was on the air and when the Station went silent again during this time.

ATTACHMENT B

DECLARATION

I, MARK BUNTEN [fill in name], a resident of Florida, hereby sate under penalty of perjury, the following:

On 11/21/08 [fill in date], I viewed "The Ilene Silverman Show", which was broadcast on WFXU (TV).

[date] 4/14/15

[signature]

DECLARATION

I, Guillermo Garcia [fill in name], a resident of Florida hereby sate under penalty of perjury, the following:

On 11/21/08 [fill in date], I viewed "The Ilene Silverman Show", which was broadcast on WFXU (TV).

[date] 4/14/15

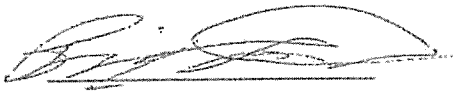
[signature]

DECLARATION

I, Bill Stamos [fill in name], a resident of Florida,
hereby sate under penalty of perjury, the following:

On 11/21/08 [fill in date], I viewed "The Ilene Silverman Show", which was broadcast on WFXU (TV).

[date] 4/14/15



[signature]

DECLARATION

I, Matt Storms [fill in name], a resident of Florida, hereby sate under penalty of perjury, the following:

On 11/21/08 [fill in date], I viewed "The Ilene Silverman Show", which was broadcast on WFXU (TV).

[date] 4/14/15

[signature]

DECLARATION

I, Robert Stevens [fill in name], a resident of Florida, hereby sate under penalty of perjury, the following:

On 11/21/08 [fill in date], I viewed "The Ilene Silverman Show", which was broadcast on WFXU (TV).

[date] 4/14/15

[signature]

DECLARATION

I, James G. Carr III [fill in name], a resident of North Fla 4413 NW 21 DR Gville Fl 32605 hereby sate under penalty of perjury, the following:

On 12/2/08 [fill in date], I viewed "The Ilene Silverman Show", which was broadcast on WFXU (TV). 352-222-7919

[date] 4/14/15

[signature]

DECLARATION

I, David Carter [fill in name], a resident of NORTH FT 3455 NW 103rd Lane JASPER FL 32052 hereby sate under penalty of perjury, the following:

On 12-3-08 [fill in date], I viewed "The Ilene Silverman Show", which was broadcast on WFXU (TV).

336-755-0371

[date] 4/15/15

[signature]

ATTACHMENT C

Declaration of Harvey M. Budd

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

WFXU(TV) in the last quarter of 2008 was operating on December 2, 2008. It went dark on or around December 15, 2008. The reason for my inability to provide the exact date is because the station was preparing to convert from analog to digital. Due to the press of this deadline the notification that the station had resumed operations and had subsequently gone dark were not properly filed.

I can also confirm that WFXU is currently broadcasting over the air according to its licensed parameters and has been so broadcasting since August 30, 2013.

March 16, 2016

Harvey M. Budd

ATTACHMENT D

Declaration of Connie Amidei

Connie Amidei, Vice President of Operations for Budd Broadcasting Co., Inc., hereby states the following:

I hereby confirm that WFXU(TV) is currently operating over the air pursuant to its licensed parameters.

March 16, 2016

Connie Amidei

ATTACHMENT E

Declaration of Kelley Rosenlund

Kelley Rosenlund, an engineering consultant to Budd Broadcasting Co., Inc. hereby states under penalty of perjury the following:

I hereby confirm that WFXU(TV) is currently operating over the air pursuant to its licensed parameters.

March 16, 2016

Kelley Rosenlund