

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554

FEB 22 2013

IN REPLY REFER TO:  
1800B3-DW

Bud Williamson  
Digital Radio Engineering, Inc.  
2927 US Route 6  
Slate Hill, NY 10973

In re: **W229BH, Newburgh, NY**  
Facility ID No. 81887  
Silent since July 4, 2012

Request for Special Temporary  
Authority to Remain Silent

Dear Mr. Williamson:

This letter concerns the request you filed on November 14, 2012, on behalf of John H. Katonah ("JHK"), for Special Temporary Authority to permit FM Translator Station W229BH to remain silent.

JHK's request states that Station W229BH went silent on July 4, 2012, for technical reasons. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.<sup>1</sup>

JHK's request is granted. Accordingly, Special Temporary Authority is granted to permit Station W229BH to remain silent until July 4, 2013. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station W229BH will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m., July 5, 2013.**<sup>2</sup> See Section 312(g) of the Communications Act, 47 U.S.C. § 312(g).

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. 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. 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. See 47 C.F.R. § 73.1740(a)(4). This rule requires that the licensee notify the Commission by letter not later than the 10<sup>th</sup> 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.

JHK failed to submit a timely request for an STA to permit Station W229BH to remain silent beyond August 4, 2012, and the action taken herein shall not be construed as authorizing the station to remain silent between August 4, 2012, and November 14, 2012.

Sincerely,



Lisa Scanlan  
Assistant Chief, Audio Division  
Media Bureau

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<sup>1</sup> In the event extension of special temporary authority is sought, please renew the certification in this matter.

<sup>2</sup> In addition to filing electronically with the Commission on the date operations resume, notification of resumption of broadcast operations must be emailed to Denise.Williams@FCC.gov.