

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

JUL 25 2012

IN REPLY REFER TO:
1800B3-VM

Lee J. Peltzman, Esq.
Shainis & Peltzman, Chartered
1850 M Street, NW, #240
Washington, DC 20036

In re: **KAWK(FM), Custer, SD**
Facility ID No. 43916
Silent since May 11, 2012

Request for Special Temporary
Authority to Remain Silent

Dear Mr. Peltzman:

This letter concerns the request you filed on May 21, 2012, on behalf of Mt. Rushmore Broadcasting, Inc. ("MRB"), for Special Temporary Authority to permit FM Radio Station KAWK to remain silent.

MRB's request states that Station KAWK(FM) went silent on May 11, 2012, because of staffing problems. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.¹

MRB's request is granted. Accordingly, Special Temporary Authority is granted to permit Station KAWK(FM) to remain silent not to exceed 180 days from the date of this letter. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station KAWK(FM) will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m., May 12, 2013.**² 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. Finally, we note that 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).

Sincerely,



Lisa A. Scanlan
Assistant Chief, Audio Division
Media Bureau

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

² 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.