

**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554**

**IN REPLY REFER TO:  
1800B3-KLJ**

December 9, 2010

Jan Charles Gray  
Mt. Rushmore Broadcasting, Inc.  
218 N. Walcott  
Casper, WY 82602

**In re: KAWK(FM), Custer, SD**  
Facility ID No. 43916  
Silent Since September 7, 2010

Request For Special Temporary  
Authority To Remain Silent

Dear Mr. Gray:

This letter concerns the request, filed on October 29, 2010, on behalf of Mt. Rushmore Broadcasting, Inc. ("Mt. Rushmore"), for Special Temporary Authority to permit FM Station KAWK to remain silent.

Mt. Rushmore's request states that KAWK(FM) went silent on September 7, 2010, due to staffing problems. Mt. Rushmore's request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.<sup>1</sup>

Mt. Rushmore's request will be 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 KAWK(FM) will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m., September 8, 2011.**<sup>2</sup> See Section 312(g) of the Communications Act, 47 U.S.C. Section 312(g).

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<sup>1</sup> In the event extension of Special Temporary Authority is sought, please renew the certification in this manner.

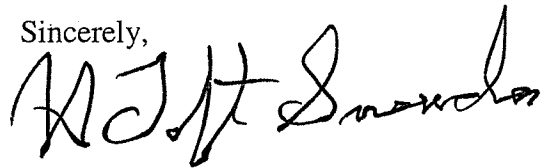
<sup>2</sup> Notification of resumption of broadcast operations must be mailed to:  
Federal Communications Commission  
Attn: 1800B3-DW, Room 2-B450  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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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. Sections 17.6 and 73.1740(a)(4).

Finally, the Commission's Rules, 47 C.F.R. Section 73.1740(a)(4), permit licensees to discontinue operations for good cause and for a period not to exceed 30 days without further authority, provided that the licensee notify Commission by letter "not later than the 10<sup>th</sup> day of limited or discontinued operations" and if operations are not able to commence by that time, "informal written request shall be made to the FCC no later than the 30<sup>th</sup> day for such additional time as may be deemed necessary. Mt. Rushmore failed to timely submit a request for a STA to permit KAWK(FM) to remain silent beyond September 7, 2010, and the action taken herein shall not be construed as authorizing the station to remain silent between September 7, 2010, and October 29, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Taft Snowdon". The signature is fluid and cursive, with the first name "H." being particularly prominent.

H. Taft Snowdon  
Supervisory Attorney  
Audio Division  
Media Bureau

cc: Lee J. Peltzman, Esq.