

**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

**AUG 23 2017**

*In reply refer to: 1800B3-DW*

Stephan M. Brown, Esq.  
Newpoint Law Group  
3300 Douglas Blvd  
Roseville, CA 95661

In re: **K265CY, San Jose, CA**  
Facility ID No. 15875  
Silent since September 30, 2016

Request for Extension of Special Temporary  
Authority to Remain Silent

Dear Mr. Brown:

This letter concerns the request you filed on July 12, 2017, on behalf of Susan B. Bushell (Bushell), for extension of Special Temporary Authority (STA) to permit FM Translator Station K265CY to remain silent.

Commission records reflect that Bushell stated that Station K265CY went silent on September 30, 2016, because it lost its programming source. The previous STA was granted on November 18, 2016, and expired on May 17, 2017. Bushell requests extension of its STA because it lost its programming source. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.

Bushell's request is granted. Accordingly, Special Temporary Authority is granted to permit Station K265CY to remain silent until September 30, 2017. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station K265CY will automatically expire as a matter of law if broadcast operations do not resume by 12:01 a.m., October 1, 2017.**<sup>1</sup>

Bushell is required to notify the Commission when broadcast operations resume. If Bushell does not file the notification of resumption of operations in a timely manner, the license may be subject to cancellation pursuant to Section 312(g) of the Communications Act, as amended.<sup>2</sup>

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.<sup>3</sup>

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.<sup>4</sup> 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. Bushell failed to submit a timely request for

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<sup>1</sup> See 47 U.S.C. § 312(g).

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

<sup>3</sup> See 47 C.F.R. §§ 17.6 and 73.1740(a)(4).

<sup>4</sup> See 47 C.F.R. § 73.1740(a)(4).

extension of STA to permit Station K265CY to remain silent beyond June 17, 2017, and the action taken herein shall not be construed as authorizing the station to remain silent between June 17, 2017, and July 12, 2017.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa Scanlan".

Lisa Scanlan  
Deputy Chief, Audio Division  
Media Bureau