

FEDERAL COMMUNICATIONS COMMISSION

**445 12th STREET, S.W.
WASHINGTON, DC 20554**

August 20, 2010

***In Reply Refer to:*
1800B3**

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Jason Konarz
1820 West Marks Road
Marks, MS 38646

In re: DWQMA(AM), Marks, Mississippi
Facility ID No. 1219
Request for Extension of Special Temporary
Authorization

Dear Mr. Konarz:

This letter refers to the December 22, 2006, request for extension of Special Temporary Authorization ("STA") filed by Jason Konarz (the "Licensee"), licensee of expired station DWQMA(AM), Marks, Mississippi (the "Station").

An application for renewal of the Station's license should have been filed by February 1, 2004. No such application was filed, and the station's license expired on June 1, 2004. Accordingly, on May 31, the staff wrote a letter indicating that the station's license had expired and that (1) all authority to operate the station was terminated; and (2) station's call letters were deleted from the Commission's data base. The staff also indicated that any operation of the station was then unauthorized and must cease immediately.¹ Upon receipt of the letter, the Licensee tendered a license renewal application for the Station² and a request for STA to continue station operation pending consideration of the renewal application. The Licensee indicated in the STA request that he had prepared and mistakenly thought he had timely filed its license renewal application for the Station, but discovered upon receipt of the June 24 letter that he had not done so. The staff granted the STA request on June 22, 2006,³ and it was to expire on December 22, 2006. However, on that date the Licensee filed the subject request for extension of the STA.

Under Section 309(f) of the Communications Act, 47 U.S.C. Section 309(f), when an appropriate application has been filed, the Commission may grant special temporary authorization if it finds that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the institution of such temporary operations would seriously prejudice the public interest. In this case, the Station has a history of repeated and ongoing violations of the Commission's technical and operational rules,⁴ and inspections of the Station by the Enforcement Bureau's New Orleans Office field staff on

¹ Letter to Jason Konarz, Ref. 1800B3-JDB (Audio Division, Media Bureau, May 31, 2006).

² File No. BR-20060608ADB.

³ Letter to Jason Konarz, Ref. 1800B3 (MB Jun. 22, 2006).

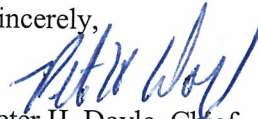
⁴ See, e.g., Jason Konarz, Forfeiture Order, 24 FCC Rcd 1248 (EB 2009) (\$14,000 Forfeiture issued for willful and repeated violations of 47 C.F.R. § 73.49 involving the failure to enclose an antenna tower with radio frequency

August 12 and 13, 2010, revealed that the Licensee had failed to install effective fencing around the base of the tower. This ongoing rule violation poses a hazard to public safety. We therefore cannot find that the continued operation of the Station pursuant to STA would be in the public interest at this time.

Accordingly, the December 22, 2006 request for extension of Special Temporary Authorization filed by Jason Konarz IS DENIED. Any operation of this facility is now unauthorized and must cease immediately.

Finally, it is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower be maintained until the tower is dismantled. Accordingly, the owner of the tower used for Station operations must maintain the tower in the manner prescribed by the Commission's rules and the terms of the expired license.⁵

Sincerely,



Peter H. Doyle, Chief
Audio Division
Media Bureau

radiation potential at the base with an effective locked fence); *Jason Konarz*, Forfeiture Order, 22 FCC Rcd 10890 (EB 2007) (\$7,000 forfeiture issued for repeated violation of Section 73.49); *Jason Konarz*, Forfeiture Order, 19 FCC Rcd 19562 (EB 2004) (\$20,000 forfeiture issued for willful and repeated violations of 47 C.F.R. §§ 11.35(a) (failure to install and maintain operational Emergency Alert System equipment); 73.1745(a) (failure to operate with consistent power levels and discontinue operating at night); and 73.3526(c) (failure to make available for inspection all of the required materials in the station's public inspection file).

⁵ See 47 U.S.C. § 303(q) and 47 C. F. R. § 17.6.