

From: "Jim Turbo" <jimturbo61@gmail.com>
Date: Friday, April 8, 2022 at 11:30:06 AM
To: "Victoria McCauley" <Victoria.McCauley@fcc.gov>
Cc: "rjm1955@gmail.com" <rjm1955@gmail.com>
Subject: [EXTERNAL]: Re: W293DJ Facility ID:200238

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Ms McCauley

Thank you for the email, Mr Miller has asked me to reply directly to you on this matter. I assure you that the facility has not been silent, and is operating as reported to the FCC.

The Silent notice and authority was issued in BLSTA-20200924AAY which accurately stated that facility went silent on 9/23/2020 when the underlying lease expired on the site. That STA request also noted that *"an alternate location will be found and the station returned to operation"*, an action which was requested in LMS application 0000135247 submitted on 02/04/2021 and subsequently granted on 2/16/2021.

A minor modification of that CP was made in LMS and granted on 3/2/2021. Construction of the authorized facility was quickly completed, and LMS application 0000141330 was submitted on 3/29/2021 and granted by the staff on 4/22/2021. The translator has operated continually since 3/29/2021 repeating the authorized primary station as certified by Mr Miller in LMS 0000141330.

There is some inconsistency with applications now being filed in LMS which may lead to us applicants being confused as to proper procedures, so this may all be a misunderstanding on my part in counseling Mr Miller.

When filing Form 2100 Schedule 350 in LMS, the question is now specifically asked about the operational status of

the facility being covered by the application which permits the applicant to certify that "*The Application is Operating pursuant to automatic program test authority*". This was never an option in CDBS Form 350 filing. By specifying this selection, it was our impression that this constituted confirmation by the applicant that the facility was operating per the underlying construction permit. Hence, any Silent STA would become moot at that point without any further action on our part. Our understanding is that a Resumption of Operations Notice is now only needed when another mechanism, like a license application, is not involved where we are certifying the operational status of the facility. If that is incorrect, then please accept my sincere apologies for the administrative burden that may have resulted.

Your kind assistance and advice are welcome and sincerely appreciated on this issue.

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