

FEDERAL COMMUNICATIONS COMMISSION

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

May 18, 2010

In Reply Refer to:
1800B3

Harry F. Cole, Esq.
Fletcher, Heald & Hildreth, P.L.C.
11th Floor
1300 N. 17th Street
Arlington, VA 22209

In Re: DWHYC, Swan Quarter, NC
Facility ID No. 28177
Request for Special Temporary
Authorization

Dear Mr. Cole

This letter refers to the March 12, 2010, request for Special Temporary Authorization (“STA Request”) filed on behalf of Hyde County Board of Education (the “Licensee”), licensee of expired Station DWHYC(FM), Swan Quarter, North Carolina (the “Station”).

On February 3, 2010, noting that Commission records indicated that the Station had been silent since September 5, 2006, the staff wrote the Licensee, indicating that the Commission’s public and internal databases would be modified to indicate that the Station’s license¹ expired as a matter of law at 12:01 a.m. on September 6, 2006, pursuant to Section 312(g) of the Communications Act of 1934 (the “Act”), as amended,² and deleted the Station’s call sign.³

On March 12, 2010, the Licensee filed a “Petition for Reconsideration and Reinstatement of License” (“Petition”) alleging that, in fact, the Station had not been silent for any consecutive 12-month period, and thus the automatic license expiration provision Section 312(g) of the Act did not apply.⁴ On that same date, the Licensee filed the STA Request, seeking authority to resume Station operations pending action on the Petition.

¹ BL-19980527KD.

² 47 U.S.C. § 312(g).

³ *Letter to Mr. Gregory T. Todd, Superintendent, Hyde County Schools*, Reference 1800B3-DW (MB Feb. 3, 2010 (the “License Expiration Letter”). Public Notice of this action was published on February 12, 2010. See *Broadcast Actions*, Public Notice, Report No 47169 (Feb. 12, 2010) at p. 2.

⁴ On March 25, 2010, at the request of the staff, the Licensee supplemented the Petition with a declaration by the Station’s General Manager and copies of transmitter logs purporting to document the Station’s actual operation over the time period referenced in the License Expiration Letter.

Under Section 309(f) of the Communications Act,⁵ 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, we believe that the public interest in continuing DWHYC(FM)'s service as the only local broadcast outlet for the residents of Swan Quarter, North Carolina, warrants continued operation of the Station pending evaluation and disposition of the Petition.

Accordingly, the March 12, 2010, request for Special Temporary Authorization filed by Hyde County Board of Education IS GRANTED, and it may continue operation of Station DWHYC(FM), Swan Quarter, North Carolina, with the facilities authorized in License No. BLED-19980527KD. This authorization will expire: (1) 180 days from the date of this letter; or (2) upon final action on the March 12, 2010, Petition for Reconsideration, whichever is sooner, and is without prejudice to any action taken by the staff in light of the matters raised herein.

Sincerely,



Peter H. Doyle, Chief
Audio Division
Media Bureau

cc: Hyde County Board of Education

⁵ 47 U.S.C. § 309(f).