

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554

MAR 09 2012

IN REPLY REFER TO:  
1800B3-DW

Bob Augsburg  
Way Media, Inc.  
P.O. Box 64500  
Colorado Springs, CO 80962

**In re: W233AF, Hendersonville, TN**  
Facility ID No. 64258  
Silent since January 13, 2012

Request for Special Temporary  
Authority to Remain Silent

Dear Mr. Augsburg:

This letter concerns the request you filed on March 6, 2012, on behalf of Way Media, Inc. ("Way"), for Special Temporary Authority to permit FM Translator Radio Station W233AF to remain silent.

Way's request states that Station W233AF went silent on January 13, 2012, for technical reasons. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.<sup>1</sup>

Way's request is granted. Accordingly, Special Temporary Authority is granted to permit Station W233AF 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 Station W233AF will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m., January 14, 2013.**<sup>2</sup> See Section 312(g) of the Communications Act, 47 U.S.C. § 312(g).

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. Additionally, 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. §§ 17.6 and 73.1740(a)(4).

Finally, Section 73.1740(a)(4) of the Commission's Rules permits licensees to discontinue operations for good cause, and for a period not to exceed 30 days without further authority. See 47 C.F.R. § 73.1740(a)(4). 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 if operations are not able to commence by the 10<sup>th</sup> day, "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." Way failed to submit a timely request for an STA to permit Station

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<sup>1</sup> In the event extension of special temporary authority is sought, please renew the certification in this matter.

<sup>2</sup> In addition to filing electronically with the Commission on the date operations resume, notification of resumption of broadcast operations must be emailed to [Denise.Williams@FCC.gov](mailto:Denise.Williams@FCC.gov).

W233AF to remain silent beyond February 13, 2012, and the action taken herein shall not be construed as authorizing the station to remain silent between February 13, 2012, and March 6, 2012.

Sincerely,



Lisa A. Scanlan  
Assistant Chief, Audio Division  
Media Bureau