

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, DC 20554
January 26, 2006

In Reply Refer to:
1800B3

Richard J. Hayes, Jr., Esq.
P.O. Box 200
Lincolntonville, ME 04849

In re: DW296AI, Montgomery, AL
Facility ID No. 33501

Request for Special Temporary
Authorization

Dear Mr. Hayes:

This letter refers to the request for Special Temporary Authorization ("STA") dated March 30, 2005 and filed on behalf of Katherine Timmerman Hagler ("Hagler"), former licensee of FM translator station W296AI, Montgomery, Alabama.

An application for renewal of W296AI's license should have been filed by December 1, 2003. No such application was filed, and the station's license expired on April 1, 2004. Accordingly, on March 17, 2005, the staff wrote to Hagler 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 licensee was advised that any operation of the station was then unauthorized and must cease immediately.¹ Upon receipt of the letter, Hagler contacted communication counsel and tendered both the subject STA request and, ultimately, a license renewal application.² In the STA request, Hagler indicates that the failure to file the renewal application was inadvertent, as she prepared a paper version of the renewal application for W296AI and believed that her husband had mailed the applications to the Commission.³

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 operation in the public interest and that delay in the institution of such temporary operations would

¹ Letter to Katherine Timmerman Hagler, Ref. 1800B3-DW (Chief, Audio Division, Media Bureau, Mar. 17, 2005).

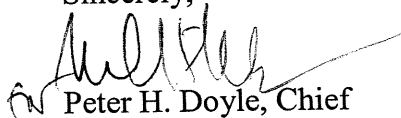
² File No. BRFT-20060125AGR.

³ Subsequent attempts to file the application electronically were unsuccessful due to miscommunication regarding the application filing fee. The license renewal application for W296AI was filed on January 25, 2006.

seriously prejudice the public interest. In this case, we believe that the public interest in continuing W296AI's broadcast service to the residents of Montgomery, Alabama warrants resumed operation of the station pending consideration and disposition of the (untimely) renewal application.

Accordingly, the request dated March 30, 2005 for Special Temporary Authorization on behalf of Katherine Timmerman Hagler IS GRANTED, and Hagler may continue operation of W296AI, Montgomery, Alabama, with the facilities for which the license expired on April 1, 2004. This authorization will expire (1) 180 days from the date of this letter; or (2) upon action on the pending W296AI license renewal application, whichever is sooner. Additionally, grant of this authorization is without prejudice to whatever action, if any, the staff deems appropriate in light of the failure to file a timely license renewal application for W296AI.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter H. Doyle", with a long horizontal flourish extending to the right.

Peter H. Doyle, Chief
Audio Division
Media Bureau

cc: Katherine Timmerman Hagler

Federal Communications Commission
Washington, D.C. 20554

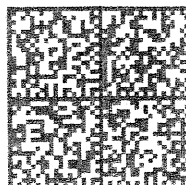
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

1800B3



NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

Katherine Timmerman Hagler
6524 Enfield Mews
Montgomery, AL 36117



HASLER
\$0.39
JAN 27 2006
US POSTAGE
FIRST CLASS
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