

**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554**

MAR 07 2013

IN REPLY REFER TO:  
1800B3-VM

Lawrence M. Miller, Esq.  
Schwartz, Woods & Miller  
1233 20th Street NW, Suite 610  
Washington, DC 20036-7322

**In re: K242BY, Astoria, OR**  
Facility ID No. 142734  
Silent since October 12, 2012

Request for Special Temporary  
Authority to Remain Silent

Dear Mr. Miller:

This letter concerns the request you filed on December 12, 2012, on behalf of Oregon Public Broadcasting ("OPB"), for Special Temporary Authority to permit FM Translator Station K242BY to remain silent.

OPB's request states that Station K242BY went silent on October 12, 2012, pending a proposed modification of its facilities. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.<sup>1</sup>

OPB's request is granted. Accordingly, Special Temporary Authority is granted to permit Station K242BY 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 K242BY will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m., October 13, 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. 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 temporarily 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 requires a licensee to seek Commission authorization for any period of limited or discontinued operations exceeding 30 days. OPB failed to submit a timely request for an STA to permit Station K242BY to remain silent beyond November 12,

---

<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.

2012, and the action taken herein shall not be construed as authorizing the station to remain silent between November 12, 2012, and December 12, 2012.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa Scanlan". The signature is fluid and cursive, with the first name "Lisa" and last name "Scanlan" clearly distinguishable.

Lisa Scanlan  
Assistant Chief, Audio Division  
Media Bureau