

DAVID TILLOTSON
Attorney at Law

4606 Charleston Terrace, N.W.
Washington, DC 20007-1911

Tel: (202) 625-6241
Email dtlaw67@starpower.net

March 18, 2013

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
TW-A325
Washington, D.C. 20554

Dear Ms. Dortch:

I am writing on behalf of a client who operates radio stations in the Elko, Nevada, radio market, to alert the Commission to the fact that FM translators K274BD, Elko, Nevada, and K265BE, Battle Mountain, NV have been off the air continuously for more than two year. Although my client wishes to remain anonymous because he operates radio stations the same small market where the translators are located, he is willing to provide an affidavit and/or speak with a member of the FCC's staff concerning what know about the non-operation of the translators if a first hand statement from him is necessary in order for the Commission to initiate an inquiry regarding the operational status and history of the stations.

The pertinent information concerning the non operation of the two translators is as follows:

K274BD, Elko, Nevada. This translator is licensed to a Phillip Weinburg who, according to my client, died a year or so ago. My client who lives in and operates radio stations in Elko and who scans the dial at least weekly to see what signals can be received knows to a certainty that the translator has not operated at any time in the past two years, and he believes that it has never actually operated, or if it did, it only operated briefly so its original license application could be filed. My client has been told by one Ken Wiley, (tel: 775- 397-1677), the former owner of Eagle Communications in Elko, that Fred Weinburg, the son of the deceased licensee, brought the translator in for repair well over a year ago and never picked it up. Mr. Wiley has the resources to check when the equipment

was brought in, and he presumably would be willing to provide that information in response to an inquiry from the FCC. The equipment is still at Eagle Communications. Also worth noting from an enforcement perspective, (i) although the translator is off the air, no request for authority to remain silent has been filed, thus concealing from the Commission the fact that the station is silent and the relevant "silence since" date and (ii) although the licensee died some time ago, no application to assign the license to an Executor or a beneficiary of the deceased's estate has ever been filed.

K265BE, Battle Mountain, NV, is licensed to Ely Radio, LLC which is owned by Fred Weinburg, the son of Phillip Weinburg, deceased licensee of K265BE. My client has personally observed that that K265BE has been off the air for the last several months and he has been told by the engineer for the Battle Mountain Translator District, Bob Pearce, that Mr. Pearce disconnected this translator from the electrical meter more than two years ago for non payment of power bills and rent. According to Mr. Pearce, after the translator was disconnected, Mr. Weinburg removed the equipment from the site. It is expected that Mr. Pearce (tel: (775) 635-2278) would confirm this information if asked to do so by the FCC. Also worth noting that (i) as in the case of K274BD, although the translator is off the air, no request for authority to remain silent has been filed, thus concealing from the Commission the fact that the station is silent and the relevant "silence since" date and (ii) despite the fact that the translator has been off the air for more than one year and, thus, its license should be cancelled as a matter of law, an application to assign the license is pending.

If you have any questions concerning the information provided above, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "David Tillotson", with a stylized flourish at the end.

David Tillotson

c via email: Denise Williams
Victoria McCauley