

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

MAR 18 2013

**IN REPLY REFER TO:
1800B3-DW**

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Fred Weinberg
Ely Radio, LLC
335 W. 4th Street
Winnemucca, NV 89445

In re: K265BE, Battle Mountain, NV
Facility ID No. 60048
Ely Radio, LLC
Operational Status Inquiry

Dear Mr. Weinberg:

A recent inquiry to our office suggested that station K265BE, Battle Mountain, Nevada, is currently silent. Since our records do not reveal any notification, pursuant to Section 73.1740 of the Commission's Rules ("Rules"), that the station suspended operations, you are required to clarify this matter in writing within 30 days of the date of this letter.

Section 73.1740(a)(4) of the Rules permits licensees to discontinue operations for good cause and for a period not to exceed 30 days without further authority, provided that the licensee notifies the Commission by letter "not later than the 10th day of limited or discontinued operations."

If station K265BE suspended operations, please indicate both the date that broadcast operations ceased and the reason for taking the station off-air. Please note that any station silence over 30 days requires the filing, pursuant to Section 73.1635 of the Rules, of a request for Special Temporary Authority to operate at variance with the Commission's minimum operating schedule requirements, Section 73.1740(a) of the Rules. Certification pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988 must accompany any request for Special Temporary Authority. Finally, 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. See 47 C.F.R. §§ 17.6 and 73.1740(a)(4).

Failure to respond to this letter within the specified time will result in adverse actions jeopardizing both the station license and call letters. If you have any questions concerning the content of this letter, please contact Denise Williams, Communications Analyst, by phone (202-418-2711), fax (202-418-1410), or e-mail (Denise.Williams@fcc.gov).

Sincerely,



Lisa Scanlan
Assistant Chief, Audio Division
Media Bureau