



Federal Communications Commission
Washington, D.C. 20554

July 2, 2013

Southern TV Corporation
401 Mall Boulevard, Suite 201B
Savannah, Georgia 31406-4867

Application for Class A Television
Broadcast Station Construction
Permit or License
W41CR, Savannah, Georgia
Facility I.D. No. 69450
File No. BLTTA-20010712AEF

Dear Applicant:

We write in response to your "Application for Class A Television Broadcast Station Construction Permit or License" filed on July 12, 2001.¹ In that application, Southern TV Corporation certified that the station did and would continue to "broadcast . . . a minimum of 18 hours per day . . . and . . . an average of at least 3 hours per week of programming each quarter produced within the market area served by the station. . . ." Based on the station's failure to meet this certification, the Commission denies your application.

The Community Broadcasters Protection Act of 1999 ("CBPA") provides qualifying low-power television stations with primary spectrum use status.² The CBPA grants the Commission discretion to determine whether "the public interest, convenience, and necessity would be served by treating the station as a qualifying low-power television station. . . ."³ To remain a "qualifying low-power station," a station must continue to "broadcast a minimum of 18 hours per day [and] . . . broadcast an average of at least 3 hours per week of programming that was produced within the market area served by such station. . . ."⁴ The Commission rules implementing the statute require that stations continue to meet these broadcasting requirements⁵ to remain eligible for Class A status.⁶

¹ File No. BLTTA-20010712AEF.

² Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594-1501A-598(1999), codified at 47 U.S.C. § 336.

³ 47 U.S.C. § 336(f)(2)(B).

⁴ 47 U.S.C. § 336(f)(2)(A)(i)(I-III).

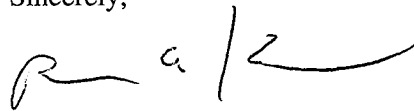
⁵ 47 C.F.R. § 73.6001(b)(1)-(2).

⁶ 47 C.F.R. § 73.6001(c); In the Matter of Establishment of a Class A Television Service, MM Docket No. 00-10, Report and Order, 15 FCC Rcd 6355, 6366 (2000) ("R & O") ("As provided in Section (f)(1)(A)(ii) of the CBPA, Class A licensees must also continue to meet the requirements for a qualifying low-power station in order to continue to be accorded Class A status."); see also *LocalOne Texas, Ltd.*, Letter Decision, 20 FCC Rcd 13521, 13523 (MB. 2005).

W41CR has continually failed to meet this ongoing requirement. The station went silent on July 29, 2010 and was silent until July 12, 2011, without Commission authority. The station went silent again on September 21, 2011 and did not resume operations until September 20, 2012. Thus, the station was silent for 23 months between July 2010 and September 2012 without Commission authority.⁷

ACCORDINGLY, W41CR's Application for Class A Television Broadcast Station License **IS DISMISSED**.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara A. Kreisman', with a stylized flourish at the end.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc:

Peter Tannenwald
Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street, 11th Floor
Arlington, Virginia 22209-3801

⁷ In certain instances, a broadcaster will be granted special temporary authority to stay silent. This authority is intended to allow a licensee to operate "*for a limited period* at a specified variance from the . . . requirements of the FCC rules applicable to the particular class of stations." 47 C.F.R. § 73.1635(a). W32BJ's requests for silent authority in 2010-2012 were not granted.