

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554
April 4, 2014

IN REPLY REFER TO:
1800B3-MFW

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Carl Brasher
4525 Jamaica NE
Albuquerque, NM 87111


In re: K288CX, Albuquerque, NM
Facility ID No. 8825
Notification of Cancellation of License
And Deletion of Call Letters

Dear Mr. Brasher:

The April 3, 2014, letter (Ref. 1800B3-DW) regarding FM translator station K288CX, Albuquerque, New Mexico (Facility ID No. 8825) IS HEREBY SET ASIDE pursuant to Section 1.113(a) of the Commission's Rules.¹

The License and call sign K288CX for the referenced station, and the application for minor modification of the Station's facilities (BPFT-20130916ACK) ARE HEREBY REINSTATED.

Sincerely,


Peter H. Doyle
Chief, Audio Division
Media Bureau

¹ 47 C.F.R. 1.113(a).

THE SANCHEZ LAW FIRM P.C.

1155 F Street NW, Suite 1050
Washington, D.C. 20004

Ernest T. Sanchez
Attorney at Law

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March 21, 2014

Ms. Lisa Scanlan
Assistant Chief, Audio Division
Media Bureau
Federal Communications Commission
Washington, DC. 20554

In re: K288CX, Albuquerque, NM, Facility ID No. 8825, Operational Status Inquiry; Reference 1800B3DW

Dear Ms. Scanlan,

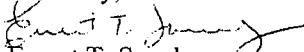
Thank you for your letter of February 21, 2014 as referenced above. I am writing on behalf of Carl Brasher, who verifies with the attached declaration, the factual statements in this letter.

1) Contrary to the recent suggestion to your office, K288CX, Albuquerque, NM is on the air. Its signal, however, has been greatly overpowered and impaired by co-channel KORI-FM at Bosque Farms, NM. It is highly likely that few people are currently able to receive any reception from K288CX, which might create the impression that the translator is not operating.

2) Because of the practical displacement issue of K288CX, Mr. Brasher applied to change the translator output channel on September 16, 2013 (File No. BPFT-20130916ACK). The minor modification application, was accepted for filing on September 17, 2013, and is still pending.

Please let me know if you have any further questions about this matter, or if we can provide any further information.


Sincerely,


Ernest T. Sanchez
Counsel for Carl Brasher

DECLARATION

- 1) My name is Carl Brasher and I am the licensee of K288CX at Albuquerque, NM.
- 2) I am the recipient of an Operational Status Inquiry from the Commission dated February 21, 2014.
- 3) I have reviewed the attached response to that letter which has been prepared by my legal counsel. The factual information, in this response, is true and correct to the best of my knowledge and belief.

This statement is offered by under penalty of perjury.


Carl Brasher

March 20, 2014

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

April 3, 2014

IN REPLY REFER TO:
1800B3-DW

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Carl Brasher
4525 Jamaica NE
Albuquerque, NM 87111

In re: K288CX, Albuquerque, NM
Facility ID No. 8825
Notification of Cancellation of License
And Deletion of Call Letters

Dear Mr. Brasher:

On February 21, 2014, we requested written clarification of the operating status of Station K288CX, Albuquerque, New Mexico, which required a reply within thirty days.¹ Our letter stated: "Failure to respond to this letter within the specified time will result in adverse actions jeopardizing both the station's license and call letters." To date, we have not received a reply.

Based on the lack of a response to our status inquiry letter, we will consider Station K288CX to have been silent for more than 12 months. Section 312(g) of the Communications Act,² provides that "if a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary."³

Accordingly, the Commission's public and internal databases will be modified to indicate that the station license for referenced station EXPIRED as a matter of law. Additionally, we HEREBY DELETE the station's call sign K288CX and DISMISS the pending application for minor modification of the Station's facilities (BPFT-20130916ACK).

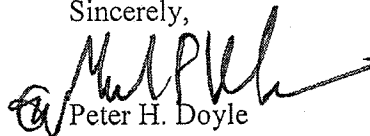
¹ See Letter to Carl Brasher., Reference 1800B3-DW (MB February 21, 2014)

² 47 U.S.C. § 312(g).

³ See Implementation of Section 403(l) of the Telecommunications Act of 1996, 11 FCC Rcd 16499 (1996); see also 47 C.F.R. §73.1740(c).

Finally, we note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower be maintained until the tower is dismantled. Accordingly, the owner of the tower where the referenced station's transmitting antenna is located is required, pursuant to 47 U.S.C. Section 303(q), to maintain the tower in the manner prescribed by our rules and the terms of the cancelled license.⁴

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", with a stylized flourish at the end.

Peter H. Doyle
Chief, Audio Division
Media Bureau

⁴ See 47 C.F.R. §§ 17.1 *et seq.* and 73.1213. See also, *Streamlining the Commission's Antenna Structure Clearance Procedure*, WT Docket No. 95-5, 11 FCC Rcd 4272 (1995).

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

February 21, 2014

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

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Carl Brasher
4525 Jamaica NE
Albuquerque, NM 87111

In re: K288CX, Albuquerque, NM
Facility ID No. 8825
Operational Status Inquiry

Dear Mr. Brasher:


A recent inquiry to our office suggested that station K288CX, Albuquerque, New Mexico, is currently silent. Since our records do not reveal any notification, pursuant to Section 73.1740 of the Commission's Rules ("Rules")¹ 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 K288CX has suspended operations, please indicate both the date that broadcast operations ceased and the reason for taking the station off the air. Please note that any station silence over 30 days requires the filing of a request for Special Temporary Authority to operate at variance with the Commission's minimum operating schedule requirements contained in Section 73.1740(a) of the Rules.² 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.³

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,


or Lisa Scanlan
Assistant Chief, Audio Division
Media Bureau

¹ 47 C.F.R. § 73.1740.

² See 47 C.F.R. § 73.1635.

³ See 47 C.F.R. §§ 17.6 and 73.1740(a)(4).