

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

August 11, 2014

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

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

James A. Koerner, Esq.
Koerner & Olender, P.C.
11913 Grey Hollow Court
North Bethesda, MD 20852

In re: WUTI(AM), Utica, NY
Facility ID No. 73969
Silent Since May 23, 2013
Notification of License Expiration
And Deletion of Call Letters

Dear Mr. Koerner:

Our records indicate that Station WUTI(AM), Utica, New York, has been silent since May 23, 2013. As you are aware, Section 312(g) of the Communications Act of 1934, as amended,¹ (the “Act”) 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.”² Consequently, we find that WUTI(AM)’s license has expired as a matter of law.

Accordingly, the Commission's public and internal databases will be modified to indicate that the broadcast license (BML-20090710AUU) for the referenced station EXPIRED as a matter of law, at 12:01 a.m. on July 23, 2013, and we HEREBY DELETE the station's call sign WUTI(AM). Additionally, in light of these actions, we HEREBY DISMISS the pending application (File No. BR-20140122AAF) for renewal of the station’s now-expired license.

¹ 47 U.S.C. § 312(g).

² See *Implementation of Section 403(l) of the Telecommunications Act of 1996*, 11 FCC Rcd 16499 (1996); see also 47 C.F.R. Section 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 Section 303(q) of the Act,³ to maintain the tower in the manner prescribed by our rules and the terms of the cancelled license.⁴

Sincerely,


Peter H. Doyle, Chief
Audio Division
Media Bureau

cc: James V. Johnson, Leatherstocking Media Group

³ 47 U.S.C. § 303(q).

⁴ See 47 C.F.R. Sections 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).

Denise Williams

From: Penelope Dade
Sent: Monday, August 11, 2014 9:26 AM
To: Victoria McCauley; Denise Williams
Subject: FW: WUTI (AM) - BR-20140122AAF and silent notification -20130531BAB

Can one of you please cancel this license?

Thanks

From: James A. Koerner [<mailto:jkoerner.law@comcast.net>]
Sent: Monday, July 21, 2014 12:41 PM
To: Penelope Dade
Subject: Re: WUTI (AM) - BR-20140122AAF and silent notification -20130531BAB

Penelope:

The station did not return to the air prior to May 23. The license has expired.

Jim

James A. Koerner
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----- Original Message -----

From: Penelope Dade
To: James A. Koerner
Sent: Monday, July 21, 2014 12:04 PM
Subject: WUTI (AM) - BR-20140122AAF and silent notification -20130531BAB

Mr. Koerner,

The station filed a silent notification (20130531BAB) stating the station has been silent since May 23, 2013. If this is correct then the station has been off air for more than 12 consecutive months.

If the station has return to air prior to May 23, 2014 please file a resumption notice and amend the renewal application.

Thank you
Penelope Dade