

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

DEC 16 2014

In reply refer to: 1800B3-VM

Mark J. Prak, Esq.
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Box 1800
Raleigh, North Carolina 27601

In re: WMXH-FM, Luray, VA
Facility ID No. 12625
Silent since October 24, 2014

Request for Special Temporary
Authority to Remain Silent

Dear Mr. Prak:

This letter concerns the request you filed on December 5, 2014, on behalf of Hayden Hamilton Media Strategies, Inc. ("HHMS"), for Special Temporary Authority ("STA") to permit Station WMXH-FM to remain silent.

HHMS's request states that Station WMXH-FM went silent on October 24, 2014, because it lost its programming source. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.¹

HHMS's request is granted. Accordingly, Special Temporary Authority is granted to permit Station WMXH-FM to remain silent not to exceed 180 days from the date of this letter. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station WMXH-FM will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m., October 25, 2015.**² See Section 312(g) of the Communications Act, 47 U.S.C. § 312(g).

The station's silent status does not suspend the licensee's obligation to comply with all other relevant Commission rules, including the filing, when appropriate, of applications for renewal of broadcast license. It is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower shall be maintained until removed. See 47 C.F.R. §§ 17.6 and 73.1740(a)(4).

Finally, Section 73.1740(a)(4) of the Commission's Rules permits licensees to temporarily discontinue operations for good cause, and for a period not to exceed 30 days without further authority. See 47 C.F.R. § 73.1740(a)(4). This rule requires that the licensee notify the Commission by letter not later than the 10th day of limited or discontinued operations, and requires a licensee to seek Commission authorization for any period of limited or discontinued operations exceeding 30 days. HHMS failed to submit a timely request for an STA to permit Station WMXH-FM to remain silent beyond November 5, 2014, and the action taken herein shall not be construed as authorizing the station to remain silent between November 5, 2014, and December 5, 2014.

Sincerely,



Lisa Scanlan
Assistant Chief, Audio Division
Media Bureau

¹ In the event extension of special temporary authority is sought, please renew the certification in this matter.

² In addition to filing electronically with the Commission on the date operations resume, notification of resumption of broadcast operations must be emailed to Denise.Williams@FCC.gov.