



Federal Communications Commission
Washington, D.C. 20554

February 10, 2015

Budd Broadcasting Co., Inc.
4150 NW 93rd Avenue
Gainesville, Florida 32653

Re: WFXU(DT), Live Oak, Florida
Facility ID: 22245
File No. BRC DT-20120925ACP

Dear Licensee:

This is with respect to station WFXU(DT), Live Oak, Florida. Commission records indicate that WFXU(DT) was silent between August 4, 2008 and November 15, 2009.

Section 312(g) of the Communications Act of 1934, as amended,¹ 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....

On February 20, 2014, the Chief, Video Division sent a letter of inquiry to Budd Broadcasting, pursuant to section 1.88 of the Commission's Rules, inviting the licensee to respond to the staff's investigation of extended periods of silence at WFXU(DT).² In its July 1, 2014, response, Budd Broadcasting contends that "at no time did [it] violate Section 312(g) of the Communications Act,"³ but failed to provide any evidence of the station being on the air between August 4, 2008, when it went silent, and November 15, 2009, when it resumed operations.⁴ This period constitutes over fifteen (15) consecutive months of silence—three plus (3+) months past the point at which Section 312(g) of the Act takes effect.

The automatic expiration provision of Section 312(g) of the Act is clear. This means that, absent any evidence to the contrary provided by Licensee, WFXU(DT)'s license expired on August 4, 2009—following a consecutive 12-month period of silence.

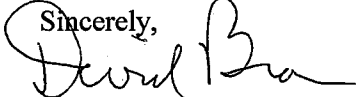
¹ 47 U.S.C. § 312(g).

² 47 C.F.R. § 1.88 ("the staff, in its discretion, may in writing, advise [a] licensee of the general nature of [an] investigation, and advise the licensee of its opportunity to submit [a written statement to the Commission setting forth its views regarding the matters under investigation].").

³ Response of Budd Broadcasting, July 1, 2014 at 6.

⁴ Licensee filed a Notification of Suspension of Operations and Request for Silent STA on August 12, 2008 (BLSTA – 20080812AAR) stating that the station had gone silent on August 4, 2008 due to issues with its transmitter. Subsequently, Licensee filed a letter with the Commission on November 16, 2009 stating that it had resumed operations on November 15, 2009.

Accordingly, the license for station WFXU(DT), Live Oak, Florida, IS HEREBY CANCELLED and the call sign IS DELETED.

Sincerely,


David J. Brown
Deputy Chief, Video Division
Media Bureau