



Federal Communications Commission  
Washington, D.C. 20554

April 16, 2015

Lauren Lynch Flick  
2300 N Street, N.W.  
Washington D.C. 20037

Guenter Marksteiner  
5244 SW Orchid Bay Drive  
Palm City, FL 24990

RE: WHDN-CA, Naples, FL  
Facility ID No. 25538  
File Nos. BLTTA-20001208AEW;  
BDCCDTL-20120629ACO

Dear Counsel:

This letter is in regards to the Petition for Reconsideration filed by Guenter Marksteiner (the "Licensee"), of station DWHDN-CA (the "Station"). The Licensee seeks reconsideration of the cancellation of the Station's license pursuant to Section 312(g) of the Communications Act of 1934, as amended.<sup>1</sup> The Licensee contends that the Station was "placed into operation from May 31, 2014 to June 1, 2014." We require additional information before we can act on the Petition. We request the Licensee provide the information and/or documents requested below. In the alternative, the Licensee may request withdrawal of its Petition.

1. Please provide the specific dates, time, and duration of the Station's brief return to air.
2. Please provide specific information describing the technical operation of the Station's brief return to air. This information should include a description of the equipment used, the antenna and tower site used, the effective radiated power, HAAT, studio location, and whether the operations were consistent with the Station's FCC license.
3. Please provide a description of the nature or type of the duration of any programming broadcast by the Station during its brief return to air. Also discuss how this operation complied with Section 312(g) and related Commission precedent.<sup>2</sup>
4. Please provide the names and title of the specific duties of any station personnel involved in the supervision and operation of the Station during its brief return to air.

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<sup>1</sup> 47 U.S.C. § 312(g). Letter from Hossein Hashemzadeh, Deputy Chief, Video Division, Media Bureau to Guenter Marksteiner, licensee of WHDN-CA, Naples, FL (dated Feb. 11, 2015).

<sup>2</sup> See e.g., *A-O Broadcasting Corp.*, 23 FCC Rcd. 603, 609 (2008)(determining that equipment tests are not transmissions of broadcast signals as required by Section 312(g) of the Act); *Carlos J. Lastra, Trustee*, Memorandum Opinion and Order, 16 FCC Rcd 17268 (2001), *aff'd sub nom. per curiam, Aerco Broadcasting Corp. v. FCC*, 51 Fed. Appx. 23 (DC Cir 2002)(automatic expiration pursuant to Section 312(g) not prevented by transmission of a television test pattern).

5. Please provide the Commission with all correspondences, documents, station records including programming guides, electric and maintenance bills, and any other written material verifying the station's brief return to air. In particular describe the precise nature of the Station's operation and discuss how this operation complied with Section 312(g) and related Commission precedent.

We direct the Licensee to support his responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer with personal knowledge of the representations provided in the responses, verifying the truth and accuracy of the information therein. If additional persons were involved in the operation of the Station for the brief time it returned to air we require also an affidavit or declaration under penalty of perjury of any representations provided in the responses that they were involved relating to the operation of the Station.

The Licensee should file a response within 15 days from the date of this letter. Failure to respond to this letter and provide a full response to the questions above and provide the requested documents will result in prompt dismissal of the Petition and the Licensee's request for relief.<sup>3</sup>

Sincerely,

Hossein Hashemzadeh  
Deputy Chief, Video Division  
Media Bureau

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<sup>3</sup> 47 C.F.R. § 1.748 (permitting dismissal of applications for failing to comply or justifying non-compliance with Commission requests for additional information).