

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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April 16, 2015

Whiplash Community Radio, Inc.
29 Angela Drive
Palm Coast, FL 32164

Re: KXCT (FM), Goodland, KS
Whiplash Community Radio, Inc.
Facility Identification Number: 174585
Special Temporary Authority ("STA")
BSTA-20150402AIG

Dear Licensee:

This is in reference to your request filed April 2, 2015, on behalf of Whiplash Community Radio, Inc. ("Whiplash"). Whiplash requests special temporary authority ("STA") to operate station KXCT with temporary facilities at a new transmitter site. This station went silent on April 5, 2014. Whiplash was required to resume operating **no later than Saturday, April 4, 2015** to avoid automatic cancellation of the station's license pursuant to Section 312(g) of the Communications Act.

We point out that the STA filing was made with only two days before the April 4 deadline (and with one day available for staff review, a Friday) and that there was no meaningful opportunity for the staff to review that request in that short time frame. Nor would this STA have been granted in any event. The requested coordinates map to the center of an intersection in the heart of Goodland, KS (at 11th Street and Main Street) and there is no evidence of any antenna supporting structure installations in that area that could support Whiplash's proposed antenna. Nor has Whiplash provided any information that would persuade us that the public or workers on the roof would be protected from excessive radiofrequency exposure in excess of the Commission's guidelines. Consequently, this STA request was and is deficient and IS **DISMISSED**.

Additionally, a station's license expires as a matter of law upon twelve consecutive months of silence [here **ended April 4, 2015**]. See Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and Order, Silent Station Authorizations, FCC 96-218 (released May 17, 1996). See also Public Notice, *Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). The mere filing of an STA request does not stay that statutory deadline. Please be aware that unauthorized operations – operations with facilities not authorized by a current STA or license – do not count as a resumption of operations within one year for the purposes of

Section 312(g) of the Communications Act, and cannot be used to avoid the consequences of Section 312(g). See *A-O Broadcasting Corporation*, FCC 08-10, 23 FCC Rcd 603, released January 8, 2008.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dale Bickel".

Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Jim Turvaille (via e-mail only)