



Federal Communications Commission  
Washington, D.C. 20554

July 20, 2016

In Reply Refer To:  
1800B3-PPD

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Mr. Salvador Guzman  
S V Communications, Inc.  
1429 Governors Ridge Court  
Franklin, Tennessee 37064

In re: **DWPF(DAM), Fairview, TN**  
Facility ID No. 57044  
File Nos. BR-20120829AEN  
BLSTA-20120831AAQ  
BLSTA-20130020AEI

**License Renewal Application  
STA Requests**

Dear Mr. Guzman:

We have before us an application for renewal (Renewal Application) of S V Communications, Inc.'s (SV) license for expired Station DWPF(DAM), Fairview, Tennessee (Station). Additionally, we have before us two requests by SV for special temporary authorizations (STA Requests), one for continued authority to remain silent and one requesting permission to resume Station operations. For the reasons set forth below, we conclude the Station's license has expired pursuant to Section 312(g) of the Communications Act of 1934, as amended (Act).<sup>1</sup> Accordingly, we dismiss the Renewal Application and STA Requests.

*Background.* Section 73.3539(a) of the Commission's Rules (Rules) requires that applications for renewal of license for broadcast stations must be filed "not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed."<sup>2</sup> Accordingly, SV should have filed the Station's license renewal application by April 1, 2012.<sup>3</sup> It did not, and the Station's

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<sup>1</sup> 47 U.S.C. § 312(g).

<sup>2</sup> 47 CFR § 73.3539(a).

<sup>3</sup> 47 CFR §§ 73.1020, 73.3539(a).

license expired on August 1, 2012.<sup>4</sup> On August 27, 2012, the staff wrote to SV, indicating the Station's license had expired, all authority to operate the Station was terminated, and the Station's call letters were deleted from the Commission's database. The staff also indicated that any operation of the Station was then unauthorized and must cease immediately.<sup>5</sup> Upon receipt of the letter, SV tendered the Renewal Application on August 29, 2012.<sup>6</sup> SV did not provide any explanation for the late renewal. Thereafter, on August 31, 2012, SV filed a request for STA to remain silent until a missing transmitter was reinstalled.<sup>7</sup> SV later filed a request for STA on November 20, 2013, seeking to resume operations, presumably pending consideration of the untimely Renewal Application.<sup>8</sup> Both STA requests remain pending.

*Discussion.* Section 312(g) of the Act and Section 73.1750 of the Rules provide for automatic termination of a license that is inactive for any consecutive 12 month period.<sup>9</sup> The policy against allowing extended periods of silence by licensed stations is to ensure "that scarce broadcast spectrum does not lie fallow and unavailable to others capable of instituting and maintaining service to the public."<sup>10</sup> The Station's license expired on August 1, 2012, though the Station continued broadcasting until August 31, 2012, when it filed the August STA. However, the STA request cannot save the Station from running afoul of Section 312(g) because the August STA to remain silent was not granted. The Station remained silent, without authorization, for over one year, until November 20, 2013, when it sought to resume operations.<sup>11</sup> Thus, the Station has been silent well over twelve consecutive months and in violation of Section 312(g).

*Conclusions/Actions.* Accordingly, for the reasons set forth above, we find that the license of DWPF(DAM), Fairview, Tennessee (Facility ID No. 57044), HAS EXPIRED as of 12:01 a.m. on September 1, 2012. Accordingly, the Commission's public and internal databases will be modified to reflect that expiration. All authority to operate this facility IS TERMINATED and any operation of the facility must cease immediately.

Additionally, IT IS ORDERED, that the application (File No. BR-20120829AEN) of S V Communications, Inc. for renewal of license for expired Station DWPF(DAM), Fairview, Tennessee, IS DISMISSED.

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<sup>4</sup> As a courtesy, the Bureau staff contacted Licensee's principal, Salvador Guzman, several times during the month of April 2012 to advise him that a renewal application for the Station's license was overdue. Despite these efforts, SV did not file the renewal application until August 29, 2012.

<sup>5</sup> *SV Communications, Inc.*, Letter Decision, (MB August 27, 2012) (*SV Letter Decision*).

<sup>6</sup> See File No. BR-20120829AEN.

<sup>7</sup> See File No. BLSTA-20120831AAQ (August STA Request). The August STA Request was filed as a "Legal STA" and does not specify the date on which the station ceased operation.

<sup>8</sup> See File No. BLSTA-20131120AEI (November STA Request).

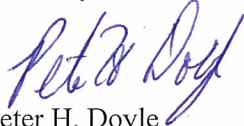
<sup>9</sup> 47 CFR § 73.1750.

<sup>10</sup> *Family Life Ministries, Inc.*, Letter, 23 FCC Rcd 15395, 15397 (MB 2008). In addition to its enforcement of Section 312(g), the Commission has stressed its interest in promoting efficient use of radio broadcast spectrum for the benefit of the public in several different contexts since the enactment of Section 312(g). See *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Third Report and Order, 26 FCC Rcd 17642, 17645 para. 7 (2011) (citing the Commission's "fundamental interest" in expediting new radio service and preventing "warehousing" of scarce spectrum); *1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules, and Processes*, Report and Order, 13 FCC Rcd 23056, 23090-93, paras. 83-90 (1998), on reconsideration, 14 FCC Rcd 17525, 17539, paras. 35-36 (1999); *Lieberman Broad. of Dallas License LLC*, Letter, 25 FCC Rcd 4765, 4768 (MB 2010).

<sup>11</sup> It is not apparent whether the Station did, in fact, resume operations. Yet, even if the Station had resumed operations, those broadcasts were not authorized. *SV Letter Decision* at 1.

IT IS FURTHER ORDERED that the applications of S V Communications, Inc. for special temporary authorization (BLSTA-20120831AAQ and BLSTA-20131120AEI) ARE DISMISSED.

Sincerely,



Peter H. Doyle  
Chief, Audio Division  
Media Bureau