



Federal Communications Commission
Washington, D.C. 20554

March 29, 2018

In Reply Refer to: 1800B3-VM

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Ivan Rene Moore
1236 Redondo Boulevard
Los Angeles, CA 90019

In re: W273AT, Mequon, WI

Facility ID No. 149984

File No. BLFT-20091007ADP

File No. BRFT-20120701ABF

Notice of License Expiration

Dear Mr. Moore:

On January 25, 2018, we sent a you a letter requesting information regarding the operational status of W273AT, Mequon, Wisconsin (Station).¹ This letter is to inform you that the responses you submitted to that operational status inquiry are insufficient. We have reviewed these responses and have concluded that the Station was silent or operating without authority for more than one year. Accordingly, we have concluded that the Station's license has expired pursuant to Section 312(g) of the Communications Act of 1934, as amended.²

Background. Our records indicate that you failed to respond to our June 10, 2015, certified letter to your counsel regarding the Station's red-light status and delinquent debts owed to the Commission which warned you that the renewal application would be dismissed if the debts were not paid. That letter also informed you that we had received a complaint on January 25, 2018, that the Station is off the air and has not been operating for the last 5 years. Based on this information, we concluded that the Station had apparently been silent for more than one year.³

The *W273AT OSI* required submission of the following documented evidence:

Please provide evidence documenting the Station's operational status since November 24, 2012, the date you indicated that the Station resumed operation. This evidence must indicate the location, effective radiated power and antenna height above ground level for **all periods of operation** from since November 24, 2012, to the present. Also include copies of all leases, personnel records, engineering records, invoices, bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to the Station's operation. You **must also**

¹ Letter to Mr. Ivan Rene Moore from Peter H. Doyle, Chief Audio Division, Jan. 25, 2018, Ref. 1800B3-VM (*W273AT OSI*).

² 47 U.S.C. § 312(g) ("[i]f 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, except that the Commission may extend or reinstate the such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness.)

³ W273AT OSI at 1.

include pictures of the Station's transmission facilities during this timeframe, and provide exact Station coordinates.⁴

On February 6, 2018, you filed a response to our letter. In that response, you stated that the property where the Station is located is presently involved in a Chapter 11 Bankruptcy proceeding in California, and in an adversary proceeding in Wisconsin, as well as the 7th Circuit U.S. Court of Appeals. You claimed that all documentation of these proceedings and of the operation of the Station are at the Station location, from which you are being denied access. You provide no documentation of this information, other than a case number from the bankruptcy proceeding.

On March 1, 2018, you filed a follow-up response to your letter. That response states that you operated the Station once a year for 24-28 hours on unspecified dates. However, you repeat that you do not have access to the Station or the supporting documentation of its operation, but that a hearing on this matter was expected to occur on March 22, 2018 in U.S. Bankruptcy Court. Again, no supporting paperwork from any litigation proceeding is included in your response.

Discussion. Your submission is insufficient to establish the continued operation of the Station. The information that you have submitted does not include any of the evidence that our letter required, nor does it include any documentation, such as an order from any of the courts you state you have pending matters to support your allegations regarding the bankruptcy court matter, the Wisconsin adversarial matter, or the U.S. Court of Appeals matter. You also have not documented your claimed inability to access the Station. Finally, you have repeatedly failed to acknowledge our inquiry regarding to the red-light status of the Station that we initially wrote to you about in 2015.

In addition, our records show that the Station went silent on January 18, 2012, because of an interference complaint with Northwestern College.⁵ The Request for Special Temporary Authority (STA), and the extension of STA stated that a modification application was pending that would resolve the interference issue. Although you filed a notice of resumption of operations in November 2012 stating that the Station resumed operation using its licensed facilities, no explanation relating to the interference issue was ever given,⁶ and you filed no additional requests for STA to remain silent. Your response states that the Station operated for only 24-28 hours a year on unspecified dates. Under our rules, all periods of silence after January 18, 2013, lasting longer than 30 days, were unauthorized.⁷

Accordingly, the license for FM Translator Station W273AT, Mequon, Wisconsin (File No. BLFT-20091007ADP), IS CANCELLED, and the application for renewal of license (File No. BRFT-20120701ABF) IS DISMISSED.

⁴*Id.*

⁵ See File No. BLSTA-20120119ACJ, granted on Feb. 8, 2012 (expired on Aug. 6, 2012), and extended by File No. BLESTA-20120806AAS, granted on Oct. 19, 2012 (expired on Jan. 18, 2013). We also note that our records show that there was no pending modification application during the period of silence referenced in these STAs. However, there was an extant construction permit that was granted on November 4, 2009, for a three-year term expiring on November 4, 2012. This permit expired by its own terms and was subsequently cancelled.

⁶ See 47 CFR § 74.1203(b) ("If interference cannot be properly eliminated by the application of suitable techniques, operation of the offending FM translator or booster station shall be suspended and shall not be resumed until the interference has been eliminated.").

⁷ See 47 CFR § 74.1263(c).

We also note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the Station's tower shall be maintained.⁸

Please direct any questions concerning the content of this letter to Victoria McCauley, Attorney, phone (202-418-2136), or e-mail (Victoria.McCauley@fcc.gov).

Sincerely,

Albert Shuldiner /TH
Albert Shuldiner
Chief, Audio Division
Media Bureau

⁸ See 47 CFR §§ 17.6 and 73.1740(a)(4).