

**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

*In reply refer to: 1800B3-KC*

JUN 04 2018

Lawrence M. Miller, Esq.  
Garvey Schubert Barer  
1000 Potomac Street  
Suite 200  
Washington, DC 20007-3501

In re: **W291BY, Albany, NY**  
Facility ID No. 139045  
Silent since May 14, 2018  
  
Request for Special Temporary  
Authority to Remain Silent

Dear Mr. Miller:

This letter concerns the request you filed on May 16, 2018, on behalf of Empire Broadcasting Corporation (EBC), for Special Temporary Authority (STA) to permit FM Translator Station W291BY to remain silent.

EBC's request states that Station W291BY went silent on May 14, 2018, for financial reasons. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.<sup>1</sup>

EBC's request is granted. Accordingly, Special Temporary Authority is granted to permit Station W291BY to remain silent not to exceed 180 days from the date of this letter. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station W291BY will automatically expire as a matter of law if broadcast operations do not resume by 12:01 a.m., May 15, 2019.**<sup>2</sup>

EBC is required to notify the Commission when broadcast operations resume. If EBC does not file the notification of resumption of operations in a timely manner, the license may be subject to cancellation pursuant to Section 312(g) of the Communications Act, as amended.<sup>3</sup>

The station's silent status does not suspend the licensee's obligation to comply with all other relevant Commission rules, including the filing, when appropriate, of applications for renewal of broadcast license. It is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower shall be maintained until removed.<sup>4</sup>

Sincerely,



Lisa Scanlan  
Deputy Chief, Audio Division  
Media Bureau

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<sup>1</sup> In the event extension of special temporary authority is sought, please renew the certification in this matter.

<sup>2</sup> See 47 U.S.C. § 312(g).

<sup>3</sup> *Id.* In addition to filing a notification of resumption of operations electronically on the date operations resume, notification of resumption must also be emailed to Denise.Williams@FCC.gov.

<sup>4</sup> See 47 C.F.R. §§ 17.6 and 73.1740(a)(4).