

FEDERAL COMMUNICATIONS COMMISSION
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December 3, 2018

Wilsonville Media Project
7577 SW Vlahos Drive
Wilsonville, OR 97070

Re: KXVY-LP (FL), Wilsonville, OR
Wilsonville Media Project
Facility Identification Number: 196592
Special Temporary Authority
BSTA-20180806AAR

Dear Licensee:

This is in reference to your STA request filed August 6, 2018 for silent station KXVY-LP. This request for Special Temporary Authority seeks authority to operate from a new location with reduced facilities. For the reasons below, we dismiss the STA request as unacceptable.

KXVY-LP notified the Commission that it was silent as of August 4, 2017 due to the loss of the station's licensed transmitter site.¹ The Commission subsequently notified the licensee that authorized operations must resume not later than 12:01 AM on August 5, 2018 (one minute after midnight), else the station's license would automatically expire as a matter of law pursuant to Section 312(g) of the Communications Act.² This deadline passed without any filing from the licensee.

Not until August 6, 2018 did we receive any submission from the licensee. A Notice of Resumption of Operation was filed at 12:14 AM EDT on August 6, 2018, claiming that the station had resumed operation on August 4, 2018 and that an STA request was being concurrently filed. That request for Special Temporary Authority was filed at 12:38 AM EDT on August 6, 2018 (and is the subject of this letter).

¹ See silent station STA request BLSTA, 20170804ABA, filed August 4, 2017.

² See the August 23, 2017 letter granting silent station STA BLSTA-20170804ABA, and the March 1, 2018 letter granting the silent STA extension request, BLESTA-20180220AAN. See also Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and Order, *Silent Station Authorizations*, FCC 96-218 (released May 17, 1996), and the Public Notice, *Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996).

It is obvious that KXVY-LP could not have timely resumed operation with its licensed facilities, since that location was no longer available to the licensee. Operation could only commence from a different location, and no authorization for a changed transmitter site was timely requested or approved by the Commission. The late filing of an STA request does not change that determination. Therefore, any operation of KXVY-LP since August 4, 2018 was and remains unauthorized.

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).³ It is my conclusion that the KXVY-LP license expired at 12:01 AM on August 5, 2018, and that there is no justification for considering any further STA request for this expired facility. Therefore, the STA request BSTA-20180806AAR IS DISMISSED. KXVY-LP must cease all operations immediately and permanently.⁴

Sincerely,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Todd Urick (via e-mail only)

³ See *A-O Broadcasting Corporation*, FCC 08-10, 23 FCC Rcd 603 (2008).

⁴ The CDBS database will be updated to reflect the expiration of the KXVY-LP license.