

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

FEB 08 2019

In reply refer to: 1800B3-DW

Melodie A. Virtue, Esq.
Garvey Schubert Barer
1000 Potomac Street, NW, 5th Floor
Washington, DC 20007

In re: **K294AM, West St. Paul, MN**
Facility ID No. 22631
Silent since June 14, 2018

Request for Special Temporary
Authority to Remain Silent

Dear Ms. Virtue:

This letter concerns the request you filed on December 11, 2018, on behalf of Fresh Air, Inc. (FA), for Special Temporary Authority (STA) to permit FM Translator Station K294AM to remain silent.

FA's request states that Station K294AM went silent on June 14, 2018, for technical reasons. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.

FA's request is granted. Accordingly, Special Temporary Authority is granted to permit Station K294AM to remain silent until June 14, 2019. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station K294AM will automatically expire as a matter of law if broadcast operations do not resume by 12:01 a.m., June 15, 2019.¹**

FA is required to notify the Commission when broadcast operations resume. If FA 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.²

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.³

Finally, Section 73.1740(a)(4) of the Commission's Rules permits licensees to temporarily discontinue operations for good cause, and for a period not to exceed 30 days without further authority.⁴ This rule requires that the licensee notify the Commission by letter not later than the 10th day of limited or discontinued operations, and requires a licensee to seek Commission authorization for any period of

¹ See 47 U.S.C. § 312(g).

² *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.

³ See 47 C.F.R. §§ 17.6 and 73.1740(a)(4).

⁴ See 47 C.F.R. § 73.1740(a)(4).

limited or discontinued operations exceeding 30 days. FA failed to submit a timely request for an STA to permit Station K294AM to remain silent beyond July 14, 2018, and the action taken herein shall not be construed as authorizing the station to remain silent between July 14, 2018, and December 11, 2018.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Scanlan".

Lisa Scanlan
Deputy Chief, Audio Division
Media Bureau