

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

April 2, 2020

In reply refer to: 1800B3-KC

Matthew H. McCormick, Esq.
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209-3801

In re: **WGMX(FM), Marathon, FL**
Facility ID No. 65663
Silent since January 15, 2020

Request for Special Temporary
Authority to Remain Silent

Dear Mr. McCormick:

This letter concerns the request you filed on March 9, 2020, on behalf of Philip Von Kahle, Assignee for the Benefit of Creditors (Kahle), for Special Temporary Authority (STA) to permit FM Radio Station WGMX to remain silent.

Kahle's request states that Station WGMX(FM) went silent on January 15, 2020, for technical reasons. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.¹

Kahle's request is granted. Accordingly, Special Temporary Authority is granted to permit Station WGMX(FM) 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 WGMX(FM) will automatically expire as a matter of law if broadcast operations do not resume by 12:01 a.m., January 16, 2021.**²

Kahle is required to notify the Commission when broadcast operations resume. If Kahle 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.³

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.⁴

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.⁵ 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 limited or discontinued operations exceeding 30 days. Kahle failed to submit a timely request for an STA

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

² See 47 U.S.C. § 312(g).

³ *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.

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

⁵ See 47 CFR § 73.1740(a)(4).

to permit Station WGMX(FM) to remain silent beyond February 15, 2020, and the action taken herein shall not be construed as authorizing the station to remain silent between February 15, 2020, and March 9, 2020.

Sincerely,



Victoria McCauley
Attorney, Audio Division
Media Bureau

Sent via email only: mccormick@fhhlaw.com