

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

July 31, 2020

In reply refer to: 1800B3-KC

Dan J. Alpert, Esq.
2120 North 21st Road
Arlington, VA 22201

In re: **KWAI(AM), Honolulu, HI**
Facility ID No. 54613
Silent since May 20, 2020

Request for Special Temporary
Authority to Remain Silent

Dear Mr. Alpert:

This letter concerns the request you filed on July 2, 2020, on behalf of Radio Hawaii, Inc. (RH), for Special Temporary Authority (STA) to permit AM Radio Station KWAI to remain silent.

RH's request states that Station KWAI(AM) went silent on May 20, 2020, because it lost its programming source. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.¹

RH's request is granted. Accordingly, Special Temporary Authority is granted to permit Station KWAI(AM) 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 KWAI(AM) will automatically expire as a matter of law if broadcast operations do not resume by 12:01 a.m., May 21, 2021.**²

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

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).

limited or discontinued operations exceeding 30 days. RH failed to submit a timely request for an STA to permit Station KWAI(AM) to remain silent beyond June 20, 2020, and the action taken herein shall not be construed as authorizing the station to remain silent between June 20, 2020, and July 2, 2020.

Sincerely,



Victoria McCauley
Attorney, Audio Division
Media Bureau

Sent via email only: dja@commlaw.tv