

*Before the
Federal Communications Commission
Washington, DC 20554*

In re Request of)
)
AFRAMSOUTH) **BLSTA-20210105AAI**
) **Facility No. 196044**
For Issuance of Special Temporary Authorization
WUMO-LP, Montgomery, AL

Filed with: **Office of the Secretary**
Directed to: **Audio Division, Media Bureau**

INFORMAL OBJECTION

Michael Butler Broadcasting, LLC (“MBB”), by its attorney, hereby submits its Informal Objection against the pending request of Aframsouth, licensee of Station WUMO-LP, Montgomery, Alabama, for issuance of a Special Temporary Authorization (STA”) to go silent.

With respect thereto, the following is stated:

Aframsouth was issued its construction permit for Station WUMO-LP on March 24, 2015. File No. BNPL-20131114BJD. It was issued a license to operation WUMO-LP on March 29, 2018. File No. BLL-20180312ABD. Shortly thereafter, the station evidently went silent. By STA filed on November 19, 2018, Aframsouth reported that Station WUMO-LP went silent on October 30, 2018, stating:

WUMO-LP HAS BEEN WITHOUT ELECTRICITY SINCE OCTOBER 30TH
BECAUSE ELECTRICITY WAS SHUT OFF TO THE BUILDING IN WHICH WE
ARE TENANTS. WE ARE ON GOOD TERMS WITH THE LANDLORD WHO IS
WORKING TO RESOLVE THE PROBLEM, BUT AREN'T SURE OF THE
RESOLUTION DATE YET.

File No. BLSTA-20181119AAS. The station ostensibly resumed operations on April 12, 2019 according to a Resumption of Operations filed with the Commission on April 16, 2019. The

period of claimed operations did not last long. On June 28, 2019, Aframsouth requested issuance of another STA, stating that Station WUMO-LP again went off the air on June 27, 2019, stating:

OUR ELECTRICITY IS OFF AND OUR LANDLORD HAS NOT REPLIED TO OUR REQUESTS, SO THIS OUTAGE COULD LAST MORE THAN MONTH.

File No. BLSTA-20190628AAB. This STA was extended by STA extension request filed on December 26, 2019, in which Aframsouth stated:

ELECTRICITY HAS FINALLY BEEN RESTORED HOWEVER A SERVICE CALL FROM THE ISP IS STILL NEEDED. THE SERVICE CALL AND ANTICIPATED RESUMPTION OF OPERATIONS IS SCHEDULED FOR THE FIRST WEEK IN 2020. WUMO-LP WENT SILENT ON 6/27 SO REQUIRES AN EXTENSION, HOWEVER BRIEF.

According to a Resumption of Operations filed on Aframsouth on February 3, 2020, Aframsouth claimed that it resumed operations with licensed facilities January 29, 2020.

Now, in its latest STA request, Aframsouth states that Station WUMO-LP again is silent as of “January 5, 2021,” stating:

CONTINUING PROBLEMS WITH PROVISION OF ELECTRICITY BY THE LANDLORD, NOW COMPOUNDED BY VANDALISM, REQUIRE US TO SHUT DOWN WHILE WE SEEK A NEW SITE.

File No. BLSTA-20210105AAI.

Aframsouth is engaging in misrepresentations to the FCC. MMB has been issued a construction permit for a FM translator that will operate on Channel 234 in Birmingham. File No. BNPFT-20171220ABH. MBB has been monitoring the WUMO-LP signal for more than the past year. As Michael Butler, Managing Member of MMB states:

I have been regularly monitoring the FM channel 94.5 (Channel 233) on the adjacent channel in Montgomery, AL over the past two years, in anticipation of the commencement of our operations.

WUMO-LP is supposed to be operating on Channel 233. Since 2020, I have not at any time heard a listenable signal put out by WUMO-LP. On that frequency, I have heard only a trace of WJOX-FM, which also occupies the same frequency out of Birmingham.

I have supplied an audio file from December 2, 2019. I also have supplied a video file recorded on January 4, 2021. The video was recorded by Graham Dunn at Montgomery Mall, approximately one mile from the location where the station is supposed to be transmitting. As can be seen, Station WUMO-LP was not on the air at either of those times.

I also recently had someone drive by their studio location on January 4, 2021, and listen again. The station was still off the air, which I expected that since they've been off all year. I was told that there were locks on the door of the office building where the studio is supposed to be located. I am not sure how long this has been the case.

Attachment 1. The audio file that was recorded is available to be reviewed by the Commission at http://commlaw.tv/WUMO_No_Audio.mp3.

This information also is verified by two other declarants. Mr. Graham M. Dunn of Central Alabama Sports News states:

I have been asked to report information that I have concerning local radio station WUMO-LP.

For the last 12 months, I have been monitoring the FM frequency 94.5 in the Montgomery, Alabama market. I have yet to find a local signal from station WUMO. The only signal heard on the frequency fades in and out from a Birmingham station.

I have made video recordings as evidence of the lack of signal.

Attachment 2. The video recorded by Mr. Dunn is available at http://commlaw.tv/Graham_Video.m4v. As further evidence of WUMO-LP's prolonged silence, local resident Mr. Gene Randolph states:

On several occasions, over the past year, I have attempted to tune into WUMO 94.5FM in Montgomery, AL and have not heard the station on the air. On January 7, 2021, I went by the station's location in Montgomery, AL, and the doors had two sets of chains and locks on them. There was also a window knocked out on the side of the building leaving the building to appear abandoned.

Attachment 3.

From all of this, two things are clear.

First, Aframsouth clearly is lying when it has claimed that WUMO-LP just recently went off the air, on "January 5, 2021." Sworn declarations establish that WUMO-LP has been off the air for a protracted period of time. Section 73.1740(a)(4) of the Commission's rules state:

In the event that causes beyond the control of a licensee make it impossible to adhere to the operating schedule of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the FCC. Notification must be sent to the FCC in Washington, D.C. not later than the 10th day of limited or discontinued operation. During such period, the licensee shall continue to adhere to the requirements in the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the licensee will so notify the FCC of this date. If the causes beyond the control of the licensee make it impossible to comply within the allowed period, informal written request shall be made to the FCC no later than the 30th day for such additional time as may be deemed necessary.

47 C.F.R. § 74.1740(a)(4). WUMO-LP has been off the air for many months, and Aframsouth has violated that rule. It should be noted that a station called WUMO-LP does have an internet presence, and broadcasts at <http://wumolpfm.org/>. That ongoing service, however, does not constitute “broadcasting.”

Secondly, conclusive evidence exists that in reality Station WUMO-LP has been off the air for more than a year. See, Attachment 1 (“Since 2020, I have not at any time heard a listenable signal put out by WUMO-LP”); Attachment 2 (“[f]or the last 12 months, I have been monitoring the FM frequency 94.5 in the Montgomery, Alabama market. I have yet to find a local signal from station WUMO”). Section 73.1740(c) of the Commission’s Rules state:

The license of any broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.

47 C.F.R. § 73.1740(c). See also, 47 U.S.C. § 312(g). As a result, the WUMO-LP license already has ended automatically, “as a matter of law.”

In the event Aframsouth attempts to dispute this matter, as is now customary in cases such as that presented here, Aframsouth should be required to provide extensive proof from outside parties that Station WUMO-LP’s over-the-air signal has been on the air during the times Aframsouth has claimed it has been on the air. That proof should include copies of its lease with its landlord; all correspondence with its landlord concerning its lease and access to the site; proof

of payments to the landlord; all proof of electrical outages and restorations; copies of utility bills; and photographs of its facilities at its transmitter site and studio.

WHEREFORE, it is requested that this Informal Objection be granted, and the request for Issuance of a Special Temporary Authorization with regard to Station WUMO-LP be denied, and the WUMO-LP license cancelled in the Commission's records.

Respectfully submitted,

**MICHAEL BUTLER
BROADCASTING, LLC**

By: ___/Dan J. Alpert/_____
Dan J. Alpert

Its Attorney

*The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201
703-243-8690
February 1, 2021*

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that a copy of the foregoing "Informal Objection" is being provided by First Class Mail to the following:

Aframsouth
13 Arlington Rd.
Montgomery, AL 35105

_____/Dan J. Alpert_____
Dan J. Alpert

Attachment 1

DECLARATION

I, Michael Steven Butler hereby state as follows:

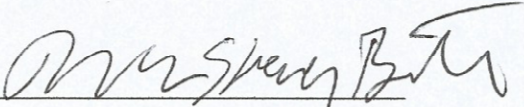
I am Managing Member of Michael Butler Broadcasting, LLC. Michael Butler Broadcasting has been issued a construction permit for a FM translator that will operate on Channel 234 in Birmingham. I have been regularly monitoring the FM channel 94.5 (Channel 233) on the adjacent channel in Montgomery, AL over the past two years, in anticipation of the commencement of our operations.

WUMO-LP supposed to be operating on Channel 233. Since 2020, I have not at any time heard a listenable signal put out by WUMO-LP. On that frequency, I have heard only a trace of WJOX-FM, which also occupies the same frequency out of Birmingham.

I have supplied an audio file from December 2, 2019. I also have supplied a video file recorded on January 4, 2021. The video was recorded by Graham Dunn at Montgomery Mall, approximately one mile from the location where the station is supposed to be transmitting. As can be seen, Station WUMO-LP was not on the air at either of those times.

I also recently had someone drive by their studio location on January 4, 2021, and listen again. The station was still off the air, which I expected that since they've been off all year. I was told that there were locks on the door of the office building where the studio is supposed to be located. I am not sure how long this has been the case.

I declare under penalty of perjury the forgoing is true and correct.



Michael Steven Butler

January 31, 2021

Attachment 2



River Region Sports

**TO: Federal Communications Commission
Washington, DC**

To whom this may concern:

**I have been asked to report information that I have concerning
local radio station WUMO-LP.**

**For the last 12 months, I have been monitoring the FM frequency
94.5 in the Montgomery, Alabama market. I have yet to find a local
signal from station WUMO. The only signal heard on the frequency
fades in and out from a Birmingham station.**

I have made video recordings as evidence of the lack of a signal.

I declare under penalty of perjury the forgoing is true and correct.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. M. Dunn', written over a white background.

Graham M. Dunn

Attachment 3

January 31, 2021

Re: WUMO 94.5FM, Montgomery, AL

On several occasions, over the past year, I have attempted to tune into WUMO 94.5FM in Montgomery, AL and have not heard the station on the air. On January 7, 2021, I went by the station's location in Montgomery, AL, and the doors had two sets of chains and locks on them. There was also a window knocked out on the side of the building leaving the building to appear abandoned.

A handwritten signature in cursive script that reads "Gene Randolph". The signature is written in black ink and is positioned above the printed name.

Gene Randolph