



Federal Communications Commission
Washington, D.C. 20554

July 26, 2010

Pocatello Channel 15, LLC
3654 West Jarvis Avenue
Skokie, Illinois 60076

Re: KBEO, Jackson, Wyoming
FCC File No. BLSTA-20100720AIV;
BRCT-20060531AJV
Facility ID No. 35103

Dear Licensee:

On July 20, 2010, Pocatello Channel 15, LLC ("Pocatello"), the licensee of television station KBEO, channel 11, Jackson, Wyoming, filed the above-referenced request for silent authority, representing that the station had gone silent on July 16, 2010 due to financial considerations. For the reasons set forth below, we are dismissing the request for silent authority and cancelling the station's license.

Section 312(g) of the Communications Act¹ provides that:

If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term or condition of the license to the contrary . . .

Commission records show that KBEO ceased analog operations on September 24, 2008 due to financial considerations.² In addition, full power television stations were required by statute to cease analog operations no later than June 12, 2009.³ Accordingly, KBEO has failed to transmit an analog broadcast signal for more than a 12-month period and, in fact, was precluded by statute from transmitting such signal since June 13, 2009.

Pocatello was granted a construction permit to flash-cut to digital operations on channel 11 in August 2008.⁴ In the DTV Transition Status Report it filed on April 16, 2009, Pocatello explained that due to an error in the geographic coordinates it had specified in its digital application, it was unable to construct the authorized facility and needed to file for minor modification of its digital construction permit.⁵ While Pocatello stated that it expected to file the minor modification application by April 30,

¹ 47 U.S.C. § 312(g).

² FCC File No. BLSTA-20081002AFP. While Pocatello filed its Analog Service Termination Notification on March 17, 2009, indicating that it would terminate its analog television broadcast signal on June 12, 2009 between 6:01 p.m. and 11:59 p.m., in subsequent filings it confirmed that the station remained continuously silent since September 2008. See FCC File Nos. BDERCT-20090410AQG, Comment Box, and BDTUCT-20090416APS, Exhibit 4.

³ See DTV Delay Act, Pub. L. No. 111-4, 123 Stat. 112 (2009).

⁴ FCC File No. BPCDT-20080304ACP, granted March 13, 2008.

⁵ FCC File No. BDTUCT-20090416APS, Exhibit 4.

2009 and to flash-cut from analog to digital on or before June 12, 2009, it never filed an application for minor modification or for a license to cover construction of its digital construction permit.⁶ Pocatello's digital construction permit expired on June 12, 2009, and assuming that KBEO resumed analog broadcasting after June 12, 2009, or operated a digital facility on channel 11, such operations would have been unauthorized. It is well settled that unauthorized transmissions do not prevent cancellation under Section 312(g).⁷

In view of the foregoing, the license for station KBEO IS HEREBY CANCELLED and the call sign IS DELETED, and the above-referenced application for renewal of license and request for silent authority ARE DISMISSED. In addition, we warn Pocatello that the use of an unauthorized broadcast facility for communications purposes may result in the imposition of a forfeiture.

Sincerely,

Clay C. Pendarvis
Associate Chief, Video Division
Media Bureau

cc: Aaron P. Shanis, Esq.

⁶ Section 73.1620 of the Commission's Rules, 47 C.F.R. § 73.1620, requires that the permittee of a television station file a license application within ten days of commencing program tests.

⁷ *A-O Broadcasting Corporation*, 23 FCC Rcd 603, 608 (2008).