



Federal Communications Commission
Washington, D.C. 20554

July 2, 2013

Southern TV Corporation
401 Mall Boulevard, Suite 201B
Savannah, Georgia 31406-4867

Application for Class A Television
Broadcast Station Construction
Permit or License
W32BJ, Beaufort, South Carolina
Facility I.D. No. 69449
File No. BLTTA-20010712AEK

Dear Applicant:

We write in response to your "Application for Class A Television Broadcast Station Construction Permit or License" filed on July 12, 2001.¹ In that application, Southern TV Corporation certified that the station did and would continue to "broadcast . . . a minimum of 18 hours per day . . . and . . . an average of at least 3 hours per week of programming each quarter produced within the market area served by the station. . . ." Based on the station's failure to meet this certification, the Commission denies your application.

The Community Broadcasters Protection Act of 1999 ("CBPA") provides qualifying low-power television stations with primary spectrum use status.² The CBPA grants the Commission discretion to determine whether "the public interest, convenience, and necessity would be served by treating the station as a qualifying low-power television station. . . ."³ To remain a "qualifying low-power station," a station must continue to "broadcast a minimum of 18 hours per day [and] . . . broadcast an average of at least 3 hours per week of programming that was produced within the market area served by such station. . . ."⁴ The Commission rules implementing the statute require that stations continue to meet these broadcasting requirements⁵ to remain eligible for Class A status.⁶

¹ File No. BLTTA-20010712AEK.

² Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594-1501A-598(1999), codified at 47 U.S.C. § 336.

³ 47 U.S.C. § 336(f)(2)(B).

⁴ 47 U.S.C. § 336(f)(2)(A)(i)(I-III).

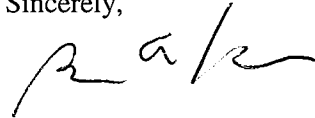
⁵ 47 C.F.R. § 73.6001(b)(1)-(2).

⁶ 47 C.F.R. § 73.6001(c); In the Matter of Establishment of a Class A Television Service, MM Docket No. 00-10, Report and Order, 15 FCC Rcd 6355, 6366 (2000) ("R & O") ("As provided in Section (f)(1)(A)(ii) of the CBPA, Class A licensees must also continue to meet the requirements for a qualifying low-power station in order to continue to be accorded Class A status."); see also *LocalOne Texas, Ltd.*, Letter Decision, 20 FCC Rcd 13521, 13523 (MB. 2005).

W32BJ has repeatedly failed to meet this ongoing requirement. The station was silent from January 7, 2010 until January 5, 2011 and from January 21, 2011 until January 19, 2012. The station stopped broadcasting again on March 10, 2012 and resumed operations on March 10, 2013. Thus, the station operated for approximately three months between January 2010 and March 2013.⁷ Based on W32BJ's failure to meet its ongoing broadcasting requirements, the Commission concludes that it would not be in the public interest, convenience, and necessity to grant the station Class A licensure.

ACCORDINGLY, W32BJ's Application for Class A Television Broadcast Station License **IS DISMISSED**.

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc:

Peter Tannenwald
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⁷ In certain instances, a broadcaster will be granted special temporary authority to stay silent. This authority is intended to allow a licensee to operate "*for a limited period* at a specified variance from the . . . requirements of the FCC rules applicable to the particular class of stations." 47 C.F.R. § 73.1635(a). W32BJ's requests for silent authority in 2010-2012 were not granted.