

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554

*In reply refer to:*  
1800B3-RH

Dennis J. Kelly, Esq.  
Law Office of Dennis J. Kelly  
P.O. Box 41177  
Washington, DC 20018-0577

JUL 01 2014

**In re: WPVM-LP, Asheville, NC**  
Facility ID No. 133357  
Silent since October 23, 2013

Request for Special Temporary  
Authority to Remain Silent

Dear Mr. Kelly:

This letter concerns the request you filed on March 28, 2014, on behalf of Mountain Area Information Network ("MAIN"), for Special Temporary Authority to permit Low-Power FM Radio Station WPVM-LP to remain silent.

MAIN's request states that Station WPVM-LP went silent on October 23, 2013, for technical reasons. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.<sup>1</sup>

MAIN's request is granted. Accordingly, Special Temporary Authority is granted to permit Station WPVM-LP to remain until October 23, 2014. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station WPVM-LP will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m., October 24, 2014.**<sup>2</sup> See Section 312(g) of the Communications Act, 47 U.S.C. § 312(g).

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. See 47 C.F.R. §§ 17.6 and 73.1740(a)(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. See 47 C.F.R. § 73.1740(a)(4). This rule requires that the licensee notify the Commission by letter not later than the 10<sup>th</sup> 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. MAIN failed to

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

<sup>2</sup> In addition to filing electronically with the Commission on the date operations resume, notification of resumption of broadcast operations must be emailed to Denise.Williams@FCC.gov.

submit a timely request for an STA to permit Station WPVM-LP to remain silent beyond November 23, 2013, and the action taken herein shall not be construed as authorizing the station to remain silent between November 23, 2013, and March 28, 2014.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Scanlan". The signature is written in a cursive style with a large initial "L".

Lisa Scanlan  
Assistant Chief, Audio Division  
Media Bureau