



Federal Communications Commission
Washington, D.C. 20554

OCT 13 2015

In Reply Refer to: 1800B3-VM

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

William J. McGrath, Esq.
Albert E. Grady, Esq.
226 Montello Street
Brockton, MA 02301

In re: WDIS(AM), Norfolk, MA
Facility ID No. 16977

Notification of License Cancellation
Discussion Radio, Inc.

Dear Messrs. McGrath and Grady:

On August 5, 2015, we sent Discussion Radio, Inc. (“Licensee”) a letter requesting clarification of the operational status of Station WDIS(AM), Norfolk, Massachusetts (“Station”), because we had received information that the Station had been off the air for over 12 months. On September 8, 2015, we received the Licensee’s response.¹ Based on this response, we find that the Station’s license is expired.

Licensee states that the Station was taken off the air in 2014, and that the building housing the station was condemned on June 3, 2014. It states that it has been trying to demolish the building since that time without success. It has also been trying to sell the station since November 2014. Licensee further notes that it sent numerous faxes to the Commission to request permission to remain silent, and to request an extension of its license term.²

Pursuant to Section 312(g) of the Communications Act, as amended, “[i]f 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, except that the Commission may extend or reinstate the such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness.”³ The record in this case indicates that the Station was off the air from June 2014 to the present. Consequently, we find that the Station’s license has expired as a matter of law.

Notwithstanding the provision for the expiration of a station's license if the station has remained silent for 12 consecutive months, the Commission retains the discretion under Section 312(g) to extend or

¹ We note that this response was submitted by fax, which was specifically provided for in the warning letter. Thus we have accepted it as a proper filing.

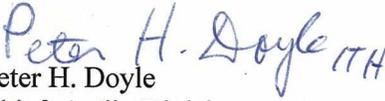
² These pleadings were not accepted. Faxed copies of pleadings do not qualify as filings accepted by the Commission. The Rules provide that filings may be submitted by mail or hand-delivery to the Commission’s offices, or by electronic filing to a Commission database. *See* 47 C.F.R. § 0.401(a)(1). *See also* Electronic and Hard Copy Filings Address, available at <http://www.fcc.gov/encyclopedia/electronic-and-hard-copy-filing-address>; *Media Bureau Expands CDBS Features to Permit the Electronic Filing of Pleadings*, Public Notice, 27 FCC Rcd 7579 (MB 2012).

³ 47 U.S.C. § 312(g).

reinstate such license “to promote equity and fairness.”⁴ The exercise of that discretion is applied very strictly, and is not warranted here. The Station was taken off the air over 17 months ago due to a business decision on the part of Licensee to allow the building to deteriorate to the point of condemnation, and it has remained silent since that date, due to the owner’s failure to find an alternative site, or a buyer to operate the Station.⁵

Accordingly, the Commission's public and internal databases will be modified to indicate that the broadcast license for the referenced station EXPIRED as a matter of law, on or about June 12, 2015, the license is CANCELED, and we HEREBY DELETE the station's call sign, WDIS(AM).

Sincerely,


Peter H. Doyle
Chief, Audio Division
Media Bureau

⁴ *Id.*

⁵ See, e.g., *V.I. Stereo Communications Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 14259 (2006) (silence due to destruction of towers in hurricanes); *Community Bible Church*, Letter, 23 FCC Rcd 15012, 15014 (MB 2008) (silence to promote air safety after discovery that FCC and FAA records contained incorrect tower information for which licensee was not responsible); *Mark Chapman, Court-Appointed Agent*, Letter, 22 FCC Rcd 6578 (MB 2007) (silence resulting from licensee's compliance with a court order).