



Federal Communications Commission  
Washington, D.C. 20554

August 8, 2017

*In Reply Refer to: 1800B3-VM*

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Mr. Brian Dodge  
d/b/a Harvest Broadcasting Association  
P.O. Box 2401  
Brattleboro, VT 05303-2401

In re: **W240AK, Lebanon, Etc., NH**  
Facility ID No. 6771  
**W259AB, Marlboro, Etc., VT**  
Facility ID No. 57730  
**W232AJ, Greenville, Etc., NH**  
Facility ID No. 26369  
**W288AN, West Brattleboro, Etc., VT**  
Facility ID No. 26371  
**W288AZ, Bernardston, Etc., MA**  
Facility ID No. 26348  
**W257AU, St. Johnsbury, Etc., VT**  
Facility ID No. 26357  
**Notice of License Cancellations**  
**WWNH(AM), Madbury, NH**  
Facility ID No. 26343  
File No. BL-19890626AD

Dear Mr. Dodge:

On November 8, 2016, we granted a one-year license renewal, subject to certain conditions, for the referenced FM translator stations pursuant to a Consent Decree dated October 26, 2016.<sup>1</sup> For the following reasons, the licenses for the referenced FM translator stations (Stations) are cancelled. In addition, the referenced application for license for AM station WWNH, Madbury, New Hampshire, is dismissed.

In accordance with the Consent Decree, each Station's license renewal grant was subject to the following conditions (Conditions):

Pursuant to Paragraph 28(b) of the Consent Decree, DA 16-1220, adopted October 27, 2016, grant of the renewal application is subject to the following conditions:

Within one hundred and eighty (180) days of the renewal grant, Harvest Broadcasting Association must demonstrate to the satisfaction of the Media Bureau that: (i) the operation of each of the Retained Stations specified

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<sup>1</sup> See *Harvest Broad., et al.*, Order, 31 FCC Rcd 11840 (MB 2016).

in Paragraph 2(u) of the Consent Decree currently complies with 47 CFR § 74.1232; and (ii) apart from the Violations set forth in Appendix D of the Consent Decree, there is no basis for finding either Brian Dodge or Harvest Broadcasting Association to be unqualified to hold FCC authorizations.

Failure to comply with this condition may lead to further administrative adjudication or enforcement action as specified in Paragraph 31 of the Consent Decree.<sup>2</sup>

On April 25, 2017, this period expired. You have not filed any documentation to satisfy either of the Conditions for any of the Stations.

Both Conditions relate to Carter Complaint (as defined in the Consent Decree), which alleged that you had engaged in ongoing violations of the Commission's FM translator eligibility and licensing rules, including 47 CFR § 74.1232, as well as other rule violations and issues of character qualifications.<sup>3</sup> The Conditions imposed on the licenses of the Stations provided you with an opportunity to present the required showings to rebut those allegations within 180 days. You did not present any such showings.<sup>4</sup>

Accordingly, we have determined that you have not failed to comply with the terms of the Consent Decree and the Conditions imposed upon the grant of the Stations' renewal applications. The licenses for Stations W288AZ, Bernardston, etc., Massachusetts, W259AB, Greenville, etc., New Hampshire, W240AK, Lebanon, etc., New Hampshire, W288AN, Marlboro, etc., Vermont, W232AJ, W257AU, St. Johnsbury, etc., Vermont, and West Brattleboro, etc., Vermont ARE CANCELLED pursuant to the provisions of the Consent Decree,<sup>5</sup> and any pending applications are dismissed.

In addition, Paragraph 29 of the Consent Decree provided that the WWNH license application would be granted "upon satisfaction of the condition set forth in Paragraph 28(b) and a showing satisfactory to the Bureau that the WWNH facilities at present are consistent with the facilities authorized in the WWNH construction permit."<sup>6</sup> For the reasons stated above, you failed to satisfy the Conditions. In addition, you failed to submit the showing that the WWNH facilities are consistent with the facilities

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<sup>2</sup> *Id.*, Consent Decree, 31 FCC Rcd at 11852, para. 28(b).

<sup>3</sup> *Id.*, 31 FCC Rcd at 11845, para. 2(h). The Consent Decree resolved all the Violations, as defined in the Consent Decree, but deferred consideration of the allegations of the Carter Complaint by requiring that those be addressed by you within 180 days. *Id.*, 31 FCC Rcd at 11846, para. 2(y) (defining Violations as the violations set forth in Appendix D to the Consent Decree), and at 11852, para. 28(b) (imposing the conditions to require a showing of compliance with 47 CFR § 74.1232 and showing that, apart from the Violations set forth in Appendix D, there is no basis to find you unqualified to hold FCC authorizations).

<sup>4</sup> On June 17, 2017, you filed requests for special temporary authority for the Stations to remain temporarily silent, stating that the Stations went silent on May 15, 2017, due to unspecified "technical difficulties." *See* File Nos. BLSTA-20170617AAB, BLSTA-20170617AAC, BLSTA-20170617AAD, BLSTA-20170617AAE, BLSTA-20170617AAF, BLSTA-20170617AAG, Ex. 1. Even if these applications were interpreted as an attempt to show that the Stations were not in violation of Section 74.1232 because they went silent, this fails to address (a) the failure to submit a showing within the time period specified in the Stations' licenses, (b) compliance with 47 CFR § 74.1232 in the period of operation prior to May 15, 2017, (c) compliance with that rule currently, to the extent the rule applies to stations that are silent, and (d) the unresolved allegations of other violations set forth in the Carter Complaint. Because we are cancelling the Stations' licenses, we will dismiss the June 17 applications as moot.

<sup>5</sup> *See* Consent Decree, 31 FCC Rcd at 11852, paras. 28, 31.

<sup>6</sup> Consent Decree, 31 FCC Rcd at 11852, para. 29.

authorized in the WWNH construction permit. Accordingly, the WWNH license application (file no. BL-19890626AD) IS DISMISSED.

Finally, we note that it is imperative to the safety of air navigation that any prescribed painting and illumination of each station's tower be maintained until each tower is dismantled. Accordingly, the owner of the tower where each station's transmitting antenna is located is required, pursuant to Section 303(q) of the Act, to maintain the tower in the manner prescribed by our rules and the terms of the cancelled license.<sup>7</sup>

If you have any questions concerning the content of this letter, please contact Victoria McCauley, Attorney, by phone (202-418-2136), or e-mail (Victoria.McCauley@fcc.gov).

Sincerely,

A handwritten signature in blue ink that reads "Peter H. Doyle" with a stylized flourish at the end.

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Aaron P. Shainis, Esq.

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<sup>7</sup> See 47 U.S.C. §303(q). See also 47 CFR §§ 17.1 et seq. and 73.1213; *Streamlining the Commission's Antenna Structure Clearance Procedure*, WT Docket No. 95-5, 11 FCC Rcd 4272 (1995).