

FCC MAIL SECTION

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**Before the
 Federal Communications Commission DA 96- 815
 Washington, D.C. 20554**

In the Matter of)	MM Docket No. 96-118
)	
Communications Enterprises, Inc.)	File No. BR-950809YB
)	
)	
For Renewal of License)	
for Station WRAH(AM))	
Easley, South Carolina)	

HEARING DESIGNATION ORDER

Adopted: May 16, 1996

Released: May 22, 1996

By the Assistant Chief, Audio Services Division:

1. The Assistant Chief, Audio Services Division, Mass Media Bureau, has before him for consideration: (a) the captioned application for renewal of license filed by Communications Enterprises, Inc. ("Communications"), licensee of AM Station WRAH, Easley, South Carolina and (b) the results of an investigation into the station's silent status.¹

2. WRAH(AM) has been off the air since December 10, 1993, suspending operations pending both a search for an appropriate main studio location and Commission approval of a then pending assignment application (BAL-931122GH). On August 2, 1994, the licensee informed the Commission that the sale had not materialized, that there were still "at least five interested buyers," and that WRAH's studio needed "large repairs before it will become operable." On August 2, 1995, the Commission approved an application (FCC Form 316) to assign the license to Communications, a corporate entity composed of the same principals as the prior licensee. In its August 9, 1995 renewal application, the licensee requested three more months to remain silent, noting that the recent grant of the station's license to Communications enabled the implementation of programming and equipment changes necessary for the station's resumption of operations. The latest special temporary authority permitting the station to remain silent expired February 2, 1996. Communications has neither notified the Commission that it resumed broadcast operations nor has it requested extension of the temporary authorization permitting the station to remain silent. Thus, WRAH(AM) has been off-air for over two years, is not presently authorized to remain silent, and has not demonstrated an intent to resume broadcast operations expeditiously. Consequently,

¹The Mass Media Bureau has been delegated authority to designate for hearing the renewal of license applications of silent broadcast stations. See Moenkopi Communications, Inc., 8 FCC Rcd 3990 (1993).

Communications is in apparent violation of Sections 73.1740² and 73.1750³ of the Commission's Rules.

3. Accordingly, IT IS ORDERED, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the renewal of license application of WRAH(AM), Easley, South Carolina, IS DESIGNATED FOR HEARING at a time and location to be specified in a subsequent Order, upon the following issues:

- (1) To determine whether Communications Enterprises, Inc. has the capability and intent to expeditiously resume the broadcast operations of WRAH(AM), consistent with the Commission's Rules.
- (2) To determine whether Communications Enterprises, Inc. has violated Sections 73.1740 and/or 73.1750 of the Commission's Rules.

²Section 73.1740(a)(4) provides that:

"In the event that causes beyond the control of a licensee make it impossible to adhere to the operating schedule of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the FCC. Notification must be sent to the FCC in Washington, D.C. not later than the 10th day of limited or discontinued operation. During such period, the licensee shall continue to adhere to the requirements in the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30-day period, the licensee will so notify the FCC of this date. If the causes beyond the control of the licensee make it impossible to comply within the allowed period, informal written request shall be made to the FCC no later than the 30th day for such additional time as may be deemed necessary."

³Section 73.1750 provides:

"The licensee of each station shall notify the FCC in Washington, D.C. of permanent discontinuance of operation at least two days before operation is discontinued. Immediately after discontinuance of operation, the licensee shall forward the station license and other instruments of authorization to the FCC, Washington, D.C. for cancellation."

- (3) To determine, in light of the evidence adduced pursuant to the preceding issues, whether grant of the subject renewal of license application would serve the public interest, convenience and necessity.

4. IT IS FURTHER ORDERED, That, in the event it is determined that grant of the renewal of license application would serve the public interest, convenience and necessity, the grant will be conditioned on the expeditious resumption of operation, the precise period of time to be established in the hearing. Failure to resume operations within the time specified in the condition will result in the cancellation of the license and the deletion of the station's call letters.

5. IT IS FURTHER ORDERED, That, to inform Communications Enterprises, Inc. of the issues specified against it, a copy of this Order will be mailed by certified mail/return receipt requested to:

Communications Enterprises, Inc.
P.O. Box 1110, 322 Causeway Drive
Wrightsville, North Carolina 28480

6. IT IS FURTHER ORDERED, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, both the BURDEN OF PROCEEDING with the introduction of evidence and the BURDEN OF PROOF with respect to the issues specified above shall be upon the LICENSEE, Communications Enterprises, Inc.

7. IT IS FURTHER ORDERED, That, to avail itself of the opportunity to be heard, the licensee, pursuant to Section 1.221(c) of the Commission's Rules, SHALL FILE with the Commission, in person or by attorney, within twenty (20) days of the receipt of this Order a WRITTEN APPEARANCE stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

8. IT IS FURTHER ORDERED, That the licensee herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rules, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION

Stuart B. Bedell
Assistant Chief, Audio Services Division
Mass Media Bureau