



**Federal Communications Commission
Washington, D.C. 20554**

October 26, 2020

In reply refer to: 1800B3-VM

SENT VIA EMAIL to: jkhal@liberty.edu

Liberty University, Inc.
3765 Candler's Mtn Road
Lynchburg, VA 24506

In re: WQLU(FM), Lynchburg, VA
Facility ID No. 37248
File No. BSTA-20200819AAG
Operational Status Inquiry

Dear Licensee:

It has come to our attention that Station WQLU(FM), Lynchburg, Virginia (Station), licensed to Liberty University, Inc (LU), may be operating with unauthorized facilities. Pursuant to Section 73.1740 of the Commission's Rules, LU is required to clarify this matter in writing within 30 days of the date of this letter.

Our records show that on September 6, 2011, LU filed a request for Special Temporary Authority (STA) stating the following:

The applicant seeks to relocate the WWMC antenna location due to a lease-related dispute with the owner of the currently-licensed [sic] tower location. As a result, the tower supporting the licensed facility will be dismantled on or before September 30, 2011. WWMC must be moved on or before that date in order to remain on the air.¹

Similar justifications were attached to STA requests filed on March 12, 2012², September 4, 2012³, and March 6, 2013.⁴

After the March 6, 2013 STA expired, it appears that the Station had no authority to operate from September 10, 2013 until November 24, 2014, when a new STA, filed on November 13, 2014, was granted. In that STA, LU stated:

¹ File No. BSTA - 20110906AAN, Exh. 4, granted Sep. 16, 2011, expired Mar. 16, 2012; modified to reduce power, File No. BSTA-20111025AAF, granted Oct 26, 2011, expired Apr. 26, 2012.

² File No. BSTA-20120302AAV, granted Mar. 5, 2012, expired Sep. 5, 2012.

³ File No. BESTA-20120904AAO, granted Sep. 14, 2012, expired Mar. 14, 2013.

⁴ File No. BESTA-20130306ABN, granted Mar. 14, 2013, expired Sep. 10, 2013.

The tower supporting the licensed facility was dismantled on on [sic]September 27, 2011. WWMC was relocated pursuant to a Special Temporary Authority issued by the FCC. (See BSTA-20110906AAN.) This application seeks reinstatement of that STA, with no changes to the technical facilities it specifies.⁵

That STA was granted on November 24, 2014, and expired on May 25, 2015.

On August 19, 2020, another request for STA was filed, proposing to use the same facilities at the same temporary site as requested in the 6 previous STAs.⁶ In that STA LU states:

The applicant is the owner of a registered communications tower at the proposed coordinates and the STA facility will be located on that tower in order to continue operations of WQLU pending relocation to a new permanent site.

This STA remains pending. We note that LU has not filed any application for construction permit for a new site or a notice of resumption of operation using the licensed facilities for the Station during the intervening 5 years since the last STA's expiration.

Based on this information, it appears that the Station failed to operate with authorized facilities for more than one year. Pursuant to Section 312(g) of the Communications Act, as amended, **if a broadcast station fails to transmit broadcast signals with its authorized facilities 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, unless extended or reinstated by Commission action.**⁷

Starting on November 24, 2014 through the present, please indicate the dates on which the Station operated from (a) the licensed site, (b) the STA site, or (c) another site, and provide the following evidence for each location. First, it must indicate the exact Station coordinates, effective radiated power and antenna height above ground level at each location. Second, it must include copies of all leases for that period of time, and finally, it **must include pictures** of the Station's studio facilities and transmission facilities at each location during this timeframe, if available.

We also note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the Station's tower shall be maintained.⁸

Your response must be addressed to Marlene S. Dortch, Secretary, FCC, 45 L Street, N.E., Washington, D.C. 20554, and emailed to Victoria McCauley at Victoria.McCauley@fcc.gov. Failure to respond to this letter within the specified time will result in adverse actions jeopardizing both the

⁵ File No. BSTA-20141113AAO, Exh. 4.

⁶ File No. BSTA-20200819AAG, Exh. 4.

⁷ We also note that a licensee's resumption of service with unauthorized facilities does not save a station's license from automatic expiration pursuant to section 312(g). *See Eagle Broad. Co. v. FCC*, 563 F.3d 543 (D.C. Cir. 2009); *WJBW, LLC*, Memorandum Opinion and Order, 32 FCC Rcd 2301 (2017).

⁸ *See* 47 CFR §§ 17.6 and 73.1740(a)(4).

Station's license and call letters. If you have any questions concerning the content of this letter, please contact Victoria McCauley, Attorney, by phone (202-418-2136), or e-mail at the address above

Sincerely,

Albert Shuldiner

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc: Kathleen Victory, Esq. via email: victory@fhhlaw.com